

The final point raised by the honourable member was that while he appreciates that a provision exists in the 1964 agreement to enable CSBP to exercise its industrial function and discharge waste into Cockburn Sound, this condition should be renegotiated.

Here again, the environmental question must be balanced and measured against other very important considerations. Our agricultural industry is not on top of the world at present, and I believe the honourable member's colleagues would appreciate that we cannot willy-nilly take action on an unproved environmental ground which would increase the cost of superphosphate, with a consequent considerable impact on the farming community.

It is a matter for careful consideration which of the two interests should prevail. In any event, as I understand it, a study is being undertaken into Cockburn Sound, the result of which will indicate whether the controlled discharge of gypsum into Cockburn Sound has the detrimental effect upon the environment which has been claimed.

Mr Taylor: You should read the reports; it is smothering the seagrass.

Mr MENSAROS: In regard to the amount of gypsum being discharged affecting the depth of the water, the gypsum is going into a clearly defined area. The only alternative to this practice would be for the company to install very expensive equipment to take care of this waste, merely to avoid an unproved environmental effect.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Mensaros (Minister for Industrial Development), and transmitted to the Council.

House adjourned at 11.45 p.m.

Legislative Council

Wednesday, the 26th May, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (6): ON NOTICE

1. ENVIRONMENTAL PROTECTION

Cockburn Sound: Discharge of Gypsum

The Hon. I. G. PRATT, to the Minister for Education representing the Minister for Conservation and the Environment:

- (1) Is the Minister aware that concern has been caused in the Rockingham area following allegations made on Wednesday, the 14th April, that gypsum deposits in Cockburn Sound were radioactive?
- (2) Is there any factual foundation to these allegations?
- (3) Have tests been carried out on samples of these gypsum deposits?
- (4) If the answer to (3) is "Yes" will the Minister supply details of these tests and relate to them normal background levels of radiation?
- (5) What are the causes of normal background radiation?
- (6) Can the Minister give an assurance that gypsum in Cockburn Sound does not, through radiation, create a health risk to the people of Rockingham?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) No.
- (3) Yes.
- (4) Yes—seventeen samples were tested with a Berthold 1200 dosimeter. No radiation was detected over and above the level of normal background radiation.
- (5) Cosmic radiation and natural radioactivity.
- (6) Yes.

2. GOSNELLS RAILWAY STATION

Demolition

The Hon. CLIVE GRIFFITHS, to the Minister for Health representing the Minister for Transport:

- (1) Has a decision been made, or is consideration being given, to demolish the existing buildings at the Gosnells railway station?
- (2) If so, would the Minister advise—
 - (a) the extent of the proposed demolition;
 - (b) the reasons for the decision;
 - (c) when it is proposed to commence the demolition;
 - (d) whether the local authority has been consulted; and
 - (e) whether the patrons of the railway have been consulted?

The Hon. N. E. BAXTER replied:

- (1) No.
- (2) Not applicable.

3. WESTERN AUSTRALIAN NATIONAL FOOTBALL LEAGUE

Affiliated Clubs

The Hon. R. H. C. STUBBS, to the Minister for Recreation:

- (1) How many Football Associations or Leagues controlling Australian Rules football in their own particular area in Western Australia, are affiliated with, and operate under, the constitution, rules and regulations of the Western Australian National Football League Incorporated?
- (2) What are they known as?
- (3) Where are they situated?
- (4) What teams are under their control?

The Hon. G. C. MacKINNON replied:

This question would have saved the taxpayers of Western Australia had it been directed to the National Football League in the first instance.

However, out of courtesy for the Hon. R. H. C. Stubbs, the following information has been prepared by the Community Recreation Council from information provided by the W.A.N.F.L.—

- (1) Twenty-four (24).

- (2) (3) and (4)—

Association; Secretariat situated; Teams under Control.

Avon Football Association; Northam; Beverley, Brookton, Cunderdin, Northam Federals, Kellerberrin, Quairading, Northam Railways, Tammin, York.

Central Great Southern National Football League; Katanning; Australs, Kojonup, Wanderers, Dumbleyung, Tambellup, Gnowangerup, Cranbrook.

Central Midlands National Football League; Coomberdale; Watheroo, Dandaragan, Moora Rovers, Bindi-Miling, Moora Warriors, Wubin, Dalwallinu (Kalannie Club disbanded).

Central Wheatbelt Football League; Bencubbin; Bencubbin, Beacon, Nungarin, Towns, Koorda, Booralaming, Mukinbudin.

Eastern Districts Football League; Muntadgin; Southern Cross, Burracoppin, Merredin, Nukarni, Narembreen, Bruce Rock, Corrigin, Kondinin.

Esperance Football Association; Esperance; Esperance, Gibson, Newtown, Ports.

Fortesque National Football League; Tom Price; Townsite Eagles, Centrals, Crushers, Hill, Saints, Demons.

Goldfields National Football League; Kalgoorlie; Mines Rovers, Boulder City, Kalgoorlie City, Railways, Kamalida, Norseman.

Great Northern National Football League; Geraldton; Rovers, Chapman Valley, Towns, Northampton, Brigades, Mullewa, Railways, St. Pat's (thirds only).

Lake-Grace Kulin and Districts Football League; Kulin; Newdegate, Lake Grace, Hyden, Karlgarin, Kukerin, Kulin, Dudinin.

Lower South West Football League; Manjimup; Deanmill, Imperials (Manjimup), Tigers (Manjimup), Boyup Brook Tigers, Bulldogs (Bridgetown), Southerners (Pemberton).

Mortlock National Football League; Goomalling; Ballidu, Bolgart, Calingiri, Dowerin, Gingin, Goomalling, Toodyay, Wongan Hills, Wyalkatchem.

Murray Districts Football Association; Waroona; Harvey Towns, Waroona, Pinjarra, Panthers, North Pinjarra, Serpentine, Centrals, Hills.

Newman National Football Association; Newman; Tigers, Saints, Centrals, Pioneers.

North Midlands Football League; Three Springs; Mingenew, Three Springs, Carnamah, Perenjori, Coorow-Latham, Morawa.

Ongerup Football Association; Ongerup; Ongerup, Pingrup, Kent District, Boxwood Hills, Borden, Jerramungup.

Southern Districts National Football League; Mt. Barker; South Mt. Barker, North Albany, Railways, North Mt. Barker, Denmark, Royals.

South Suburban-Murray National Football League; Langford; Armadale, Kelmescott, Gosnells, Thornlie,

Maddington, Kalamunda, 5.
Canning, Kenwick, Kwinana,
Mandurah.

South West National Football League; South Bunbury; Augusta-Margaret River, Boyanup - Capel - Dardanup, Bunbury, Busselton, Carey Park, Collie, Donnybrook, Harvey-Brunswick, Mines Rovers (Collie), South Bunbury.

Upper Great Southern National Football League; Narrogin; Cuballing, Pingelly, Wickepin, Williams, Boddington, West Arthur, Wagin Federal, Wagin Rovers, Narrogin Towns, Narrogin Railways.

Fremantle Ex-Scholars Football Association; Hamilton Hill; North Fremantle, East Fremantle, Swanbourne-Cottesloe, Saint Patricks, Spearwood Saints, Southern Ports, Cockburn, Rockingham.

W.A. Amateur Football League; Palmyra; Ashfield, Bayswater, Bedford, Carlisle, Collegians, C.B.C., Commonwealth Bank, City Beach, Coolbellup, Doubleview, Dianella, East Perth-Highgate, Floreat Park, Graylands, Hellenic, Hamersley, Innaloo, Maccabi, Marist, Maylands, Melville, M.H.W.P., Mt. Lawley, Muresk, Morley, M.U.F.C., Murdoch, Nollamara, North Beach, North Fremantle, Old Wesley, Osborne Park, Perth, R. & I. Bank, Scarborough, S.T.C., Swanbourne, Swan Valley, Teachers, T.C. Churchlands, T.C. Claremont, T.C. Graylands, T.C. Mt. Lawley, Trinity O.B., University, W.A.I.T., Wembley, Whitford, Willetton.

Blackwood Football Association; Kirup; Kirup, Balingup, Greenbushes, Nannup.

Carnarvon/Gascoyne Football Association; Carnarvon; Ramblers, Warriors, East Carnarvon.

Note: W.A. Football Association (Sunday League)—10 Clubs—Not Affiliated.

TELEVISION

Country Areas

The Hon. R. H. C. STUBBS, to the Minister for Federal Affairs:

- (1) How many television outlets are there serving country areas in Western Australia?
- (2) Where are they situated?
- (3) What places are in the extreme range of each outlet?
- (4) What are the hours of transmission of each outlet?

The Hon. I. G. MEDCALF replied:

- (1) 20 National outlets. 3 National outlets under construction. 5 Commercial outlets.
- (2) Esperance, Norseman, Kambalda, Kalgoorlie, Southern Cross (located at Ghooli), Merredin, Northam (located at Mawson), Katanning (located at Mount Fairfield), Wagin (located at Mount Latham), Mount Barker, Albany (located at Mount Clarence), Bunbury (located at Mount Lennard), Carnamah (located at Mount Campbell), Moora (located at Quarrel Range), Geraldton, Carnarvon, Port Hedland, Roebourne, Karratha and Dampier (total 20).

The 3 National outlets under construction are located at Wongan Hills, Mullewa and Narrogin.

The mining towns of Goldsworthy, Shay Gap, Tom Price, Paraburdoo and Newman do not have outlets but are supplied with video tapes by the Australian Broadcasting Commission.

The 5 Commercial outlets are located at Mount Barker, Bunbury, Kalgoorlie, Kambalda and Albany.

- (3) This information is not readily available, but, for example, Mount Barker covers that town and a large region stretching to Albany; Mawson covers a fairly extensive region of the wheat belt areas including York, Northam and Quairading; and Bunbury covers an extensive area including Busselton and Augusta.
 - (4) The hours of transmission at National country areas are generally from 8.00 a.m. to 11.00 p.m. on weekdays, 1.15 p.m. to 11.45 p.m. on Saturdays and 11.00 a.m. to 10.30 p.m. on Sundays. These times vary in the mining areas in the North.
- The Commercial transmission times are from approximately 2.30 p.m. to 10.30 p.m. but vary from day to day particularly in the northern mining areas.

The above information has been supplied by an officer of the Telecommunications Department. For more detailed information the member may care to communicate directly with the Department or the Minister for Post and Telecommunications.

6. PEARSON STREET

Cost of Upgrading

The Hon. R. F. CLAUGHTON, to the Minister for Health representing the Minister for Transport:

- (1) What is the present estimated total cost for the upgrading of Pearson Street, Churchlands, to a dual carriageway?
- (2) What are the respective contributions to this cost from—
 - (a) the Australian Government;
 - (b) the State Government; and
 - (c) the City of Stirling?

The Hon. N. E. BAXTER replied:

- (1) The estimated cost is not known to the Minister for Transport as this street is the responsibility of the City of Stirling which is carrying out the current work.
- (2) (a) \$797 160 from funds available under the Roads Grants Act, 1974.
- (b) Nil.
- (c) Not known to the Minister.

LEAVE OF ABSENCE

On motion by the Hon. R. F. Claughton, leave of absence for six consecutive sittings of the House granted to the Hon. Lyla Elliott (North-East Metropolitan) on the ground of private business.

AGRICULTURE AND RELATED RESOURCES PROTECTION BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and returned to the Assembly with amendments.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) (4.47 p.m.): I move—

That the Bill be now read a second time.

This Bill contains provisions similar to those outlined previously in regard to the amendments to the Road Maintenance

(Contribution) Act and the Transport Commission Act for the use of affidavits as evidence, but it also includes a proposal for an amendment to section 22B of the Taxi-cars (Co-ordination and Control) Act.

At the time the Taxi Control Board was constituted by Act of Parliament, it was the intention of the Government that the cost of administering the Act should come from within the taxi industry, and not be a charge against Treasury moneys.

Accordingly, provision was made in the Act for the board to charge fees for the issue of licences, and to set appropriate premiums payable on the issue of additional taxi-car licences. However, with the downturn in economic activity and the likelihood of this continuing, the board, having regard to the hardship that would be imposed on existing licensees should any additional premium taxi-car licences be issued, has not made any such issue in the past 18 months, and is not likely to do so within the near future.

The effect of the foregoing means that the absence of new premium moneys will result in an estimated budget deficiency of \$37 701, on the board's activities for the financial year 1975-76 and an estimated deficiency of \$41 167 for the 1976-77 financial year, unless the position is rectified.

Members will no doubt be aware that the Taxi Control Board comprises eight members elected by members of the taxi industry, and it was the board's original proposal that persons coming into the industry should be expected to make a contribution towards the stability and protection of the industry afforded by this Act.

That proposal was to provide for a fee in the case of any transfer of a licence, of up to 10 per cent of market value of goodwill determined by the board, subject to approval by the Minister.

However, members will be aware of events which have since taken place, resulting in the industry itself adopting what it considers a more acceptable method now contained in the Bill before the House.

The Government has accepted the recommendation from the operators' meeting which, in effect, raises the registration fee of operators in the industry to an amount of \$35, and not exceeding \$50.

Attention has since been drawn to the fact that the fee prescribed in section 22C of the Act will likewise require amending to correspond with section 22B, and I will move an amendment accordingly during the Committee stage of this Bill.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) (4.50 p.m.): I move—

That the Bill be now read a second time.

In introducing this Bill to the Legislative Council I need to remind honourable members that for over seven years we have had a Western Australian Tertiary Education Commission which began as a non-statutory body early in 1969. When this occurred the University of Western Australia and the Western Australian Institute of Technology—then in its infancy—were the only recognised tertiary or higher education institutions in the State.

It is true that there were other post-secondary education establishments such as the teachers colleges. But these were under the control of the Education Department, and one of them, Mt. Lawley, was in a formative stage and another, Churchlands, was about to be started. In addition, Murdoch University was in the throes of its beginnings, while the Western Australian School of Mines at Kalgoorlie and Muresk Agricultural College were in process of transfer to the Western Australian Institute of Technology.

Many of the post-secondary education issues at the time were mentioned in the report of the Committee on Tertiary Education in Western Australia, the chairman of which was Sir Lawrence Jackson.

The Jackson report was published in 1967 and was instrumental in the creation of the Western Australian Tertiary Education Commission but by 1974, when the commission had been a statutory body for four years, members were beginning to realise that there were limitations in their capacity to promote, develop and co-ordinate tertiary education in the State of Western Australia. There was also a strong belief among some of them that new approaches involving amended legislation were desirable.

The Government of Sir David Brand was responsible for initiating the Jackson report which has proved a very important document. The present Government, acting on recommendations of the Minister and advice from the Tertiary Education Commission, has been responsible for initiating the report of the Partridge committee which provides the basis for this Bill.

In establishing the advisory committee on post-secondary education, consisting of Professor P. H. Partridge, chairman, Professor N. S. Bayliss and Mr H. W. Dettman, the Government approved broad terms of reference. This allowed technical education to be included among the committee's inquiries. The reason for this was that progress in some areas of post-secondary

education seemed impossible without taking account of technical education in helping to produce new institutions, as for example community colleges if these are justified.

The Partridge committee recognised the necessity for new initiatives. But it thought that the WA Tertiary Education Commission Act should be repealed and a new post-secondary education Act substituted.

In coming to its decision the committee overlooked the fact that many of the concepts in the Tertiary Education Commission Act would need to be retained. In other words what was required was a re-shaping and up-dating of the Act to make it more resilient to present and future conditions.

To ensure that the public, including those with educational interests and particularly post-secondary interests, had access to the Partridge report when it became available, a considerable number of copies were produced. Moreover, comments on the report were invited and the response proved generous. Many submissions were received and these were taken into consideration in preparing the present Bill. Meetings were also held including a substantial weekend residential seminar in Bunbury.

The Government has accepted the principle on which the Partridge committee based its suggested membership of the post-secondary education commission. The method proposed minimises representational issues. In spite of this many of those in tertiary education institutions who commented on the report submitted unwieldy factional ideas. What the post-secondary education commission needs is a group of people who can exercise sound judgments about the maintenance and developments in post-secondary education.

The Partridge committee recommended a commission of 12 members including a chairman. The Government has raised this to 15 by adding the Director-General of Education or his nominee, and two others in the community affairs grouping. The increased numbers make for a more balanced selection in the membership of the commission.

Another Partridge recommendation which the Government has accepted is that the chairman will be full time and also the commission's chief executive officer. The present chairman of the WA Tertiary Education Commission is part time, but he devotes a considerable number of hours each week to commission affairs.

I should like to mention that Emeritus Professor Sanders who has held this position for a number of years has been of tremendous benefit and help to tertiary education in this State and of tremendous assistance to me. He has indicated that he has reached an age when he does not desire to be considered for the position of full-time chairman; and I can understand

that decision. However, I should like to place on record my personal gratitude to him for the excellent service he has rendered.

If the present legislation is passed the chairmanship is seen as of high status and equivalent to a vice-chancellorship. Also provision has been made in the Bill for payments to commission members. To date, ordinary members have not received payments.

In the preamble to the functions of the new commission reference is made to the traditional autonomy of universities and to their major role in areas outside the normal scope of post-secondary education. The Government anticipates the co-operation of the universities in facilitating the future of post-secondary education in Western Australia. However, some critics have not been so confident. Their view is that university autonomy may limit the co-ordinating functions of the post-secondary education commission. We believe in the interests of all concerned that this will not occur.

Members know that present tertiary education institutions in the State are financed by the Commonwealth Government and that two Federal commissions are involved—the Universities Commission and the Commission on Advanced Education.

Full Federal funding is of recent origin; and the Partridge committee considered that a post-secondary education commission as proposed in this Bill could have importance, not only in negotiations with the Commonwealth bodies, but also in promoting State interests and in helping to formulate State views.

The first function of the commission, as stated in the Bill, is to assist the Minister and the Government of the State, in the formation of State views on the promotion, development and co-ordination of post-secondary education. This could become more important when technical education is brought within the compass of the new commission which will then need to confer and collaborate to an increasing extent with the Commonwealth Commission on Technical and Further Education.

There is a ferment in post-secondary education in every Australian State and the Partridge report has aroused interest outside of Western Australia. For example, its terms of reference provided a framework for a recent report on Tasmania. The passing of the present legislation will make possible a new beginning. Nevertheless, with the proclamation of the post-secondary education commission Act there will still be many Partridge recommendations to be considered. It is planned that action on these recommendations will be the first task of the new commission.

There has been some criticism with regard to the retention—I stress the word

“retention”—of the right of the post-secondary education institution to determine fees which may be charged under some circumstances. Some of the weirdest and most far-fetched accusations have been made with regard to some sort of arrangements between this State Government and the Federal Government. In actual fact I asked Professor Sanders whether he would set up a committee, consisting of representatives of the tertiary institutions of this State, to advise me on the way in which the Tertiary Education Act ought to be amended, repealed or re-enacted. These people made their recommendations with no reference either to the State Government or the Federal Government. The retention of the right to preserve fees was in their recommendations.

Therefore it follows that any suggestion that there may have been some sort of underhand arrangement or deal is ludicrous in the extreme.

Since that recommendation was made by the committee which I asked to assist me in the specialist task, the Federal Government has made a statement concerning tertiary education fees. The statement has been available to a great number of people and it suggests—it is not specifically laid down—that there ought to be discussions with the States with regard to the introduction of fees in some second and third post-graduate degree courses. The statement involved a student who has obtained his basic degree and returns to university for higher degrees. It seems that students in this capacity would have the potential to earn a considerable income and if they are not doing so it is from choice, and therefore it would be unfair to the Australian taxpayer that these people should be helped again. It is reasonable to believe that consideration should be given to fees in these circumstances. The same ought to apply to someone who is not a taxpayer of this country, but who has come from overseas for the purpose of post-graduate work. Maybe such a person has been given a considerable grant or scholarship for this purpose. I thought I would mention that to clear the air on that particular matter.

I believe the Western Australian post-secondary education commission—or WAPSEC as it is generally known by everybody already—will create a new era in the replacement of the Jackson report which has served us so well, and will have an influence in Western Australia. In fact it is already having an influence and it will affect post-secondary education throughout Australia. I commend the Bill to the House.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.02 p.m.]: The Minister has expressed great hopes for the future with the advent of this legislation and said that it marks the beginning of a new

era. However, when the provisions of the Bill are examined they are found to vary very little from the existing legislation except in a few respects.

The existing Tertiary Education Commission is an advisory body meeting on a part-time basis and its advice may or may not be accepted by the Government. So any developments in post-secondary education depend on the attitude of the Government of the time. It does not appear that that situation will be changed under the new legislation because, although the commission will be reconstituted and there will be a full-time chairman, its objectives will not be significantly different and it will still be an advisory body to the Minister who may or may not accept its recommendations.

It has been alleged—not by the Minister—that the WATEC was an unsatisfactory body in the development of tertiary education in this State. We have not been told in what way it was unsatisfactory. If it is meant that the technical and other aspects of tertiary education were not provided for then the dissatisfaction was very limited. They were the only areas of tertiary education which were not covered by the commission.

Because only small changes are being made it is hard to perceive how the legislation will mark the beginning of a new era unless what the Minister really means is that he himself has developed a whole new concept about post-secondary education. However, he has not said anything to make us believe this is so.

On page 2 of his notes the Minister said that the members of the commission were beginning to realise there were limitations in the capacity to promote development and co-ordinate tertiary education in the State of Western Australia. However, as he continued his speech he gave no indication of the manner in which it is proposed that the capacity will be improved. Perhaps when he replies the Minister may make the situation clearer.

I would not like members or the Minister to believe that we do not support the proposal. It has been made quite clear that we do. It is important that the technical side of tertiary education should be covered and that the membership of the commission should be increased to cover that particular aspect of tertiary education.

We certainly do not oppose wider community representation on the commission for the value it will contribute to the deliberations of the commission.

On page 4 of his notes the Minister referred to what he termed the unwieldy factional ideas in reports submitted to the Partridge committee. I think that comment should be expanded upon by the Minister because it is denigrating honest attempts by some members of the community to convey their views to the Government.

The Hon. G. C. MacKinnon: I did not suggest they were dishonest, but merely unwieldy.

The Hon. R. F. CLAUGHTON: It does the Minister no credit to denigrate people in this way and it is not a statesmanlike stance to adopt. We may or may not agree with the views of people who approach us, but their judgments are of value. We assess their ideas, but the people submitting the suggestions would have a very different view of their value. It is very unbecoming of the Minister to make a statement of that nature. He should at least give the people the benefit of the doubt. Of course, if he has any evidence to substantiate his statement he has a duty to provide it.

The Minister went on to state that the commission needs a group of people who can exercise sound judgment about the maintenance and development of proposed secondary education. We would not dispute that. Of course it does, and we hope that people who are appointed will have that attitude as have the present members of the commission. Again I think it was a rather extraneous or unnecessary comment to make on the legislation. The Minister is establishing a very unsatisfactory basis on which the commission will operate. It should not be born in this kind of atmosphere. In other words, we should not denigrate people with whose views we do not agree.

I would like to join with the Minister in congratulating Professor Sanders on the work he has done. I am not acquainted with him myself, but others in my party are and they would want me to express those sentiments to him.

The appointment of a full-time chairman with the status of a vice-chancellor may or may not be necessary and I would like the Minister to explain the position more fully so that we can understand better the role the chairman is to play. The Vice-Chancellor of the University of Western Australia has a very responsible position and makes important decisions. He is the chief administrator of that body and it is not altogether easy to associate the role of the vice-chancellor with that of the chairman of this commission which has only an advisory function.

Some concern has been expressed about the role the commission will play; that is, the establishing of terms and conditions for the academic staff in the colleges of advanced education and the degree of control which may be exercised over courses and so on. People are questioning the degree of autonomy this body will enjoy under the commission.

Again we do not question the need to co-ordinate the activities of these bodies because the need is apparent to those in the education sector. In fact, in today's paper there is a report about unemployed teachers in the United Kingdom and

we certainly would not like a similar situation to develop here with scarce public funds being spent on training more teachers than are required.

We would want that to be roughly balanced with the actual needs of the community. We recognise there is a need and a requirement for co-ordination among the institutions but we would like made more definite the status of the vice-chancellor and the role of the commission in determining the functioning of the various bodies that will be under its umbrella.

While the work of the institution will be overseen by the commission, the various institutions will still have a right to make submissions direct to the Australian Government commissions, as was mentioned by the Minister. Time alone will tell whether this is the best process we should have in relation to these things. I think it probably is but, as I have said, time alone will tell this.

The last matter mentioned by the Minister in winding up his introductory speech was the matter of fees. He said criticism had been made in odd places. This is an odd comment because it conjures up pictures of people making odd statements about it in odd places. Were they made from under the table; from the middle of the river, or from the top of a tower? Just where were these odd places?

The Hon. G. C. MacKinnon: They were not made from even places!

The Hon. R. F. CLAUGHTON: No matter from where they were made, I think it is a serious question in today's climate, which seems to be rather stormy in all places.

The Minister's explanation may be satisfactory to himself and, in fact, it may be on the basis on which we work in this Chamber and should be taken as a perfectly truthful one. There will, however, be continuing doubts expressed I believe as to the intentions of the Government.

The Partridge report, in fact, made no mention that among the functions of the new body should be a responsibility or a power to fix fees; and the Minister told us this afternoon that the recommendation had come from a committee which he had appointed to assist himself. He did not throw any light on the fact as to who were the members of the committee; it may have been more helpful had he done so.

When the Minister replies I hope he does indicate who the members are so that those members of the public who are interested may be better able to assess what the probable intentions are of retaining this provision in the amended legislation. With those comments I support the Bill.

The HON. G. C. MacKINNON (South-West—Minister for Education) [5.20 p.m.]: I thank Mr Claughton for his comments. I will endeavour to answer the queries he has raised. May I first say there is no intention on my part to denigrate the people who made the selection. Mr Claughton will recall from his reading of the Partridge committee report that the basis of the membership was not factional in any shape or form. There is nobody on the committee who represents a group; there is no representative of Murdoch, no representative of WAIT, or of Mt. Lawley or of any other institution. The members are all people who have an appreciation of the problems that may be posed by different associations.

The Hon. R. F. Claughton: We approve of that.

The Hon. D. J. Wordsworth: There are no representatives from the country.

The Hon. G. C. MacKINNON: The honourable member does not know that. His interjection is evidence of a careless reading of the report and of the second reading speech that was made.

The Hon. A. A. Lewis: It is a typical reaction from somebody who has been in the bush too long.

The Hon. G. C. MacKINNON: There are six members who are to be selected for their knowledge and interest in community affairs—

The Hon. R. F. Claughton: Who may be appointed by the Minister.

The Hon. G. C. MacKINNON: That is so. Again may I say that Mr Wordsworth is doing exactly what I am talking about in relation to factional representation.

If I say there will be somebody representing Albany, Bunbury, or the country, then I must say there shall be somebody representing the city or the area south of the city or some other area. When I say that many of the recommendations were factional I make a statement of fact; indeed the whole of the Partridge recommendation was based on the idea that it should not be. In fact one of the first comments I had from the Tertiary Education Commission was that it had not been as successful as it could have been, because its appointments were factional. There was a representative of each of the institutions and the commission thought this was a limiting factor in its ability to perform.

I accepted this as a statement of fact and what I said is a statement of fact; that some of the representations made to me tended to want to have regard for the factional basis of the Tertiary Education Commission as distinct from the broader, we hope, more objective attitude which might be engendered by the WA post-secondary education commission.

I thank Mr Claughton for his comments in regard to Professor Sanders. It has been a difficult time and he has handled it well. Mr Claughton asked what would be the role of the vice-chancellor and a moment later he virtually answered the question himself.

Mr Claughton mentioned a very real problem where we have a number of colleges of advanced education whose predominant role is to teach students—schools of teaching and teacher education classes. We also have the same activity taking place at WAIT, Murdoch, and in the University of Western Australia, with the university in almost direct competition, in a way, with the WA Secondary Teachers' College across the road.

It is obvious, as Mr Claughton indicated, that there must be a degree of collaboration so that we do not get a situation that currently exists in North America, and which was reported in the newspapers in relation to the UK—about people being trained beyond the necessary requirements.

Professor Sanders has the type of qualifications that are suitable for discussion with people at the academic level; he can talk to them. Partridge suggested this should be continued, so that someone of a professorial standard could talk to people engaged at this academic level.

One would expect also that the recommendations of the Partridge committee would have an effect on the commissions which I mentioned with the responsibility for the funding. I would like to have been able to tell the House who was on the committee.

I rang Professor Sanders and he came up and saw me. I suggested he might get some people together quickly and make a recommendation from the point of view of a layman; and this was made as the basis on which the Parliamentary Counsel could work. Professor Sanders is on the committee as is the Director-General of Education, but they are the only two I can actually name.

There are about six persons on the committee and he drew them from the various areas, so they are representative. I am sorry, however, that I cannot tell Mr Claughton who they are. I trusted Professor Sanders to pick the people best suited to the job and I think he has done that.

The Hon. R. F. Claughton: I accept that as a satisfactory explanation.

The Hon. G. C. MacKINNON: That is the way I work and that is the way I approached the matter. As a matter of fact I can say that the Parliamentary Counsel was most complimentary about the manner in which the brief was prepared. It was a careful brief and it was done skilfully, and I did not bother to inquire too closely. I accepted the fact that the committee would be representative and that its members would be satisfactory. This is an advisory

committee which I think is also right. I believe its constitution will be such that a Minister will have to be very courageous not to take its advice; particularly if it works out as we hope it will.

The Hon. R. F. Claughton: What about the appointments, salary ranges, etc.?

The Hon. G. C. MacKINNON: The salary ranges are more a matter for Justice Campbell who sits and considers these matters. It would have some influence in that we would have to ensure one group does not get ahead of another. I trust the committee will remain advisory because when it is so it will be hard to disregard its advice.

I thank Mr Claughton for his interest in the matter and I again commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

BULK HANDLING ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.32 p.m.]: I move—

That the Bill be now read a second time.

Section 31 (1) of the Bulk Handling Act, 1967-1974, provides for the payment of a foundation toll in respect of all grain received in bulk by Co-operative Bulk Handling Ltd., of \$1.84 per tonne, or such lesser amount as the Governor may, from time to time, fix by Order-in-Council.

Currently the toll is set at \$1.10 per tonne, but a request has been received from the company to increase that amount to the maximum of \$1.84.

Payments received in this manner are required to be applied by the company for additional capital expenditure, for the repayment of moneys borrowed for that purpose, and for replacing losses incurred in the conduct of its business.

Indications are that grain production will continue to expand in Western Australia, and there will be a need for additional capital funds if the company is to continue to maintain its construction programme at the same rate as in past years.

Because of the continued escalation of costs, and the expansion in crop production, the company has also requested that

provision be now made in the Act to allow for further increase in the toll, should the need arise, up to a maximum of \$2.94 per tonne.

This will also provide an additional security to lenders in the event of a year of poor crop yield.

This Bill seeks to increase the foundation toll from \$1.84 to \$2.94 per tonne, and I commend it to the House.

THE HON. R. T. LEESON (South-East) [5.33 p.m.]: We on this side of the House agree with the Bill. It sets out to increase the rate per tonne of the foundation toll and of course, in this day and age, we have no alternative but to agree with the increase. While it seems to be fairly steep, I suppose it is necessary. We support the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney-General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.37 p.m.]: I move—

That the Bill be now read a second time.

A recent Crown Law opinion has indicated that action taken by local authorities in closing off a street at its intersection with another by means of raised paving, or some other form of barricade, to convert that street into a cul-de-sac is not authorised under the provisions of the Local Government Act.

Members will no doubt appreciate that it is often desirable, in the interests of public and traffic safety, for such closures to be made, and authority does exist under the Local Government Act for the temporary closure of a street into a cul-de-sac for experimental purposes, but not on a permanent basis.

In other words, if an experimental closure were successful, there is presently no power for it to be continued on a permanent basis, although many councils have, in fact, installed such obstructions in the past, believing that the Act did confer the necessary authority.

This Bill therefore seeks to fill the gap in the Local Government Act, and also to authorise those closures which have been purported to have been made under legislative provisions which have now been found to be deficient.

Another matter covered by this Bill concerns the composition of the Building Advisory Committee, which is constituted under the Local Government Act.

The Building Advisory Committee is established to advise the Minister with respect to any matter touching on the provisions of the Act covering building standards. In particular, the Building Advisory Committee exercises a detailed surveillance over the Uniform Building By-laws, and recommends any amendment to these by-laws which it considers necessary.

Members of the Building Advisory Committee are appointed by the Minister but, as the Act stands at present, its complement is restricted to seven.

It has always been considered necessary to keep the membership of this committee to the maximum of seven, to ensure a reasonable representation of the various areas of expertise and interest in building matters.

From time to time, representations have been made by other organisations having a particular interest in building matters to be represented on the committee.

The WA Fire Brigades Board is one such body which has advocated repeatedly that it could make a worth-while contribution by taking part in the committee's work. However, it would be inappropriate to dispense with any of the existing members in order to make room for a representative of the Fire Brigades Board, or any other organisation.

It is considered the problem would best be resolved by removing the upper limit on the membership of the Building Advisory Committee. This would provide a degree of flexibility, and allow the membership to be increased or decreased as is appropriate from time to time.

An amendment to section 435 of the Local Government Act to remove the present limit of seven is therefore proposed, and I commend the Bill to the House.

THE HON. S. J. DELLAR (Lower North) [5.40 p.m.]: We have had an opportunity to study the contents of the Bill during its passage through another place, and we are quite happy to agree to its passage here.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [5.41 p.m.]: I wish to take a minute or two to indicate my support also for the measure. Over recent years the provision of culs-de-sac in the suburbs has proved to be very worth while to the residents, and particularly in some older subdivisions which had long streets

with dozens of intersections. With the build-up of traffic over the years, these streets have become quite hazardous to negotiate not only for elderly people, but also for children.

Many of the local authorities in the province which I represent have resorted to changing some of these long streets into culs-de-sac which have benefited the community greatly. I am not restricting my remarks to particular local authorities, but I would like to mention the work carried out in this respect by the Belmont Shire Council. In a very effective and pleasant way, the council has enhanced its streets for the benefit of ratepayers. The landscaping which has been effected as a result of the closing off of some streets has had a marked improvement on the environment to the benefit of the people residing in these areas.

Similarly, of course, the Canning Town Council has taken the opportunity to incorporate culs-de-sac in areas where they were warranted. Many new subdivisions contain culs-de-sac and these are proving very popular indeed, particularly for families with young children. Parents know that their children will not be subjected to the hazards of continuous traffic. The provision of culs-de-sac is an excellent idea and it has provided local authorities with an opportunity to enhance the environment in some older districts, and certainly it has assisted in the creation of better subdivisions.

The Bill provides also to remove the limit on the size of the Building Advisory Committee and this is a step in the right direction. With advancing technology and different types of building materials and methods, it is obvious that more experts are now available to advise about building by-laws and other laws associated with building construction. Therefore, the limit of seven members on that committee has outlived its usefulness. I am delighted to see that the Government has taken this action, and I am pleased to support the measure.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.45 p.m.]: The notion of residential precincts is one that has gained wide acceptance in town planning today. One of the ways in which it can be implemented in the older residential areas is by the process of creating culs-de-sac. As you would know, Mr President, in the district of Scarborough, which is in my electorate, there is an extensive grid street system which has a bad history of accidents at all intersections. It has been under study by the City of Stirling for many years.

Quite a few years ago, I discussed this matter with the previous shire engineer (Mr Knott) and I learned that even at that time he had some tentative plans for

creating culs-de-sac in order to reduce the incidence of accidents. So, it is clear that in respect of that locality, the necessity was seen more as an accident prevention measure rather than one of creating residential precincts, the latter of which is uppermost in the minds of most authorities contemplating such action today.

A similar scheme to create culs-de-sac in the Floreat area, between Pearson Street, Alyth Road, and Grantham Street was proposed by the Perth City Council with a view to reducing the incidence of traffic through that section. However, unfortunately, as so often happens, some people saw themselves as being personally disadvantaged by such a proposal and for a while, a good deal of objection was raised.

I hope the council is able to overcome those objections and implement the scheme in that area, just as I hope the present scheme in respect of the Scarborough grid system goes ahead as planned. In fact, it is being established on an experimental basis. Temporary obstructions are being laid down to discover what effect they will have in practice; if necessary, changes can be made. It would not be to the advantage of the people living in that area if in fact there were a legal barrier against such a scheme being adopted on a permanent basis.

As with the Floreat proposal, in creating these precincts some roads have to be set aside as the "collector" roads, which means there will be an increase of traffic on those roads. Again, we find people objecting because their particular street has been chosen for that purpose. This seems to be a problem without resolution; there appears to be no way of compensating the people concerned for any disabilities they may suffer as a consequence. On the other hand, in the interests of the whole community, it is important that the scheme proceed.

As with the Hon. Clive Griffiths, the Opposition supports the reconstitution of the committee dealing with uniform by-laws, and the provision that a member should be nominated by the Fire Brigades Board. All members would be aware of the great concern which has been expressed publicly in respect of the fire risk in high rise buildings in Perth. If appointing this new member on the committee will result in extra conditions being laid down to ensure that developers provide more satisfactory fire safety measures, that in itself will make this Bill completely worth while.

On the other hand, it is to be hoped that the man in the City of Stirling area who roofed his house with wooden shingles, and was told it was not permitted under the by-laws because they represented a serious fire hazard, will not find himself further disadvantaged by the presence of such an officer on the committee.

I believe it was rather an unreasonable regulation to enforce, and in reviewing the by-laws, this provision should have been removed. Variety is the spice of life, and we should have it in our housing as much as in any other area. Regulations that prevent that sort of variety being added to the landscape are not a good thing.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.51 p.m.]: I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and passed.

INDUSTRIAL LANDS (CSBP & FARMERS LTD.) AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [5.54 p.m.]: I move—

That the Bill be now read a second time.

The Industrial Lands (Kwinana) Agreement Act, 1964 ratified an agreement between the Government and CSBP & Farmers Ltd. and BP Refinery (Kwinana) Pty. Ltd. which provided for the acquisition and development of a site at Kwinana of 128 acres or 51.7998 hectares by CSBP & Farmers Ltd. for the production of nitrogenous and other fertilisers, using ammonia produced by BP.

This site, which has been fully serviced with both narrow and standard gauge railway, and with wharf facilities for inward loading of bulk raw materials, has been developed by CSBP & Farmers Ltd. to the stage where further development to keep pace with demands for fertiliser requires the provision of additional land.

Since the 1964 agreement, however, certain other developments have taken place or are planned for this particular area at Kwinana. The Western Mining Corporation Limited nickel refinery has been established under the 1968 agreement with the State, and is of major significance. Also there is the Co-operative Bulk Handling complex which includes special wharf facilities for bulk handling, in addition to facilities for CSBP's requirements.

Developments of this nature, together with other proposals for shipment of bulk production, indicated the necessity for careful planning with regard to the

limited area of land in this locality, and in March, 1972, the Government approved in principle a master plan for outer harbour development on the Kwinana waterfront submitted by the standing interdepartmental committee concerned with this important subject.

Because of Commonwealth proposals at that time for use of Garden Island as a facility for naval purposes, the interdepartmental committee's master plan represented a major revision of a previous development plan adopted by the Government some six years earlier.

Of the 20 recommendations adopted by the Government in this master plan, two in particular directly affected the possibility of site expansion by CSBP, these being the reservation of all land—except "A"—class reserves—bounded on the north by the CSBP works, on the east by the Kwinana coast railway, on the south by the CBH complex, and on the west by the ocean, for port operational purposes, and the determination of a precise pattern of road and rail development in that area.

Determination of an essential feature of this road pattern led to discussions being undertaken with both CSBP & Farmers Ltd., and Western Mining Corporation Limited with the object of both of those concerns surrendering sufficient land to the State to enable new road access to be provided to serve the future bulk cargo storage and port operation area at Kwinana Beach.

The Western Mining Corporation agreed to surrender the whole of its option area 3 and part of its option area 2 under conditions prescribed in the Nickel Refinery (Western Mining Corporation Limited) Agreement Act, 1968, but CSBP took the opportunity of the approach made to it to point out its requirement for additional land to provide for its normal future expansion.

These requirements were in such conflict with the planned use of the land concerned for a port operational area in respect of the ultimate development of seven overseas bulk cargo jetty berths, and the road access needs for such development, that the then Premier (Mr J. T. Tonkin) set up a special committee to resolve these conflicting interests.

At the same time, the Premier announced through the Press on the 14th December, 1972, that the Government proposed to provide additional land at Kwinana to augment the company's work site, and provide for further expansion to serve farmers' future needs and, in view of this undertaking by the Government, the company would surrender its leases of its North Fremantle site to the Crown some 35 years earlier than those leases were due to expire.

Because of the complex nature of the problem to be resolved, the committee set up by the Premier referred the matter to a working party of specialist experienced officers, including a representative of CSBP.

That working party presented a report in June, 1974, which concluded that the requirements of the Fremantle Port Authority and CSBP & Farmers Ltd. were completely irreconcilable in their existing form, but that an effective compromise in another form could be achieved without one party or the other surrendering its vital interests.

That compromise is now reflected in the executed agreement set out in the schedule to the Bill before the House, and sought to be ratified by the Bill.

The agreement provides for a rearrangement of existing services, and for what appears to be a complex subdivision and consolidation of various parcels of land.

The rearrangement of services, which frees the land presently used for those services to enable acquisition by CSBP, together with other land, comprises relocation of road access, railway, water and power mains, telephone cables, certain facilities serving the Fremantle Port Authority's wharf next to CSBP, and certain pipelines the property of Western Mining Corporation Limited conveying raw materials from the BP refinery to the Kwinana nickel refinery.

The whole of the cost of rearrangement of these services to standards and specifications equivalent to the standards and specifications of the existing services is to be met by CSBP as set out in the agreement.

All of the authorities concerned, including the Australian Telecommunications Commission and Western Mining Corporation Limited, have been consulted in this connection, and have indicated approval to the proposed rearrangement.

The land involved in the transaction—the subdivision of which, and its subsequent consolidation has been approved in principle by the Town Planning Department, and the Metropolitan Region Planning Authority—is currently registered in the names of the Crown, the Industrial Lands Development Authority, Crown land where roads to be closed are concerned, and some privately-owned residential lots in the Kwinana village area which have been offered to the Government for acquisition, with one or two exceptions, in the continuous programme of acquisitions in this area.

Apart, therefore, from the acquisitions from private owners, which will all be at current market valuation on the same basis as previous acquisitions in this area, the land transactions involved are not as complex as appear at first sight.

As well as paying the cost of rearrangement of the various services involved, the company will also pay for all the land it is to acquire at a valuation of \$24 710 per hectare—\$10 000 per acre—or actual cost to the State where this is in excess of that figure. It will also pay for land acquired for relocation of services on the same basis, but to be offset by the land already used for existing services.

Provision is made in the agreement for the additional land to be sold to the company to be consolidated into one lot in a plan or diagram of survey, so that in the unlikely event of any proposal for subdivision in the future, it would become subject to policy of the Town Planning Board or the Government at that time.

Such consolidation also implies that the provisions of the 1964 agreement will apply to the additional land; and, to prevent any misunderstanding in this connection, the agreement spells out the clauses of the old agreement which apply equally to the new land, as well as specifically stating that the new agreement does not vary any of the provisions of the 1964 agreement.

There is no obligation in the agreement for the company to proceed with development on the additional land, as the company has already expended some \$15 million on plant extensions to its existing site since the submission for extra land was made in 1972.

Additionally, this agreement honours the undertaking to which I have previously referred, for further land to be made available to the company, and the company has honoured its undertaking to surrender its North Fremantle leases to the Crown some 35 years before actual expiry of those leases.

With regard to the question of environmental protection, this has been the subject of examination by the Environmental Protection Authority, which has advised it does not foresee any environmental problem arising from the proposals, and in any case the requirement under clause 14 of the agreement for the company to comply with the existing environment protection provisions ensures adequate safeguards.

With your approval, Mr President, I will table a copy of the plan referred to in the agreement, which sets out the land concerned and proposed rearrangement of road and railway services, for the information of members.

I commend the Bill to the House.

The plan was tabled (see paper No. 223).

THE HON D. K. DANS (South Metropolitan—Leader of the Opposition) [6.04 p.m.]: This is one of the pieces of legislation which is described as an Act to ratify an agreement, and was first seen in this Parliament when the present Premier was Minister for Industrial Development in the Brand Government.

When an agreement is presented to Parliament in this manner, we are not given very much to go on. If we turn to the Bill we will find that it contains three rather short clauses which do not tell us a great deal. Attached to the Bill is a schedule containing the agreement.

We can debate the agreement and argue about its contents, but we can only accept it or reject it in toto. We cannot amend it or alter it in any way.

We on this side of the House support the Bill, but I take this opportunity to make some comments. It would appear to me that the move by the Tonkin Government to bring to Parliament agreements before they were signed so as to enable Parliament to consider them was a far better proposition.

In general I cannot see Parliament rejecting agreements which contain provisions to bestow benefits on the State, such as by the extension of an existing industry or the establishment of a new one. As an individual, I feel rather naked and rather ineffectual when this kind of agreement is placed before me. We as members have no opportunity to do anything but engage in some kind of debate. We cannot alter such agreements.

I have looked at the map which the Minister has been good enough to supply to me. I notice that all the environmental problems which may arise have been taken care of. This brings me to the situation which exists at Cockburn Sound.

Sitting suspended from 6.06 to 7.30 p.m.

The Hon. D. K. DANS: Just prior to the tea suspension I mentioned pollution which has become evident in Cockburn Sound. The Minister, in his second reading speech, commented that the Environmental Protection Authority had stated there will be no danger from future operations carried out on the site. For the record, I accept that statement because I do not see that any further development from the operations associated with this agreement can make the position any worse than it is now. However, I am worried when I see in Cockburn Sound that great heap of gypsum which is the result of the operations of CSBP. Perhaps it may not have been so bad had the causeway to Garden Island not been constructed. The causeway has prevented the natural scouring of the sound and the colour of the water in the sound certainly has changed. However, I must confess that the fish life in the sound does not seem to have been affected and fish and crabs are still plentiful.

The Hon. N. McNeill: That is quite right.

The Hon. D. K. DANS: The construction of the causeway has also made Cockburn Sound a safer and better place for sailing. However, I am trying to demonstrate that while we might look at things

in isolation other events can occur and as a result of the combination of those events they can have a bad effect on the environment.

I have said previously, while speaking to other agreements, that agreements should contain escape clauses to enable us to call on those operating in certain areas to at least come to the assistance of the State if circumstances change and require some form of remedy. Most of the agreements which have been brought forward, by Governments of either political colour, do not contain that very necessary clause to allow some change.

I have always been told that the agreements which have come before us have been signed and that nothing can be done about them. The heap of gypsum is in Cockburn Sound and I suppose a buoy can be placed over it to show its location. There is also the question of the refinery which has cost the State millions of dollars in pilotage charges and nothing can be done about that cost because it is the result of an agreement with the State Government. That may be the case but I am not so sure that Governments could not have made some provision in the various agreements for co-operation by the companies.

I recollect that the Government did not seem to have any compunction about changing the Hancock leases. The legislation necessary for that change went through this Parliament as quick as a flash and I think that only Mr Withers recommended any changes to it. The tenants of the State Housing Commission had agreements with the commission, but we did not seem to have much bother in changing those agreements in order to apply a \$60 management fee.

The point I am making is that perhaps when we ratify agreements we should have an opportunity to examine them before they are signed. I do not think we will ever reach the situation where agreements will come before us before they are signed, but if that were possible members who represent areas affected by the agreements could at least voice their opinions, even if they are not acted upon. The answer to our argument has always been that it is not necessary to debate the agreements before they are signed.

The present situation in Cockburn Sound is that the industrial undertakings are undoubtedly doing their utmost in the best interests of themselves to minimise the effects of their operations on the environment. But there does not seem to be any machinery available so that the Government can point out that as a result of a combination of factors the companies should be asked to contribute towards a solution to the problem.

I understand that if it was decided to remove the pile of gypsum from Cockburn Sound it would be the responsibility of the

Government, completely. I am not suggesting that we should direct CSBP to shift the pile of gypsum, because we allowed it to accumulate as a result of an agreement with that company. However, in future there should be some provision to at least allow for a combination of effort.

While Mr Gayfer was speaking to the measure regarding finance for rural housing he said it was a "shandy mix". Perhaps we should adopt the same attitude towards the industries in areas such as Cockburn Sound. I know very well that CSBP is doing its best and is considered generally to be a highly responsible company.

Apart from those comments I indicate that we support the Bill, but I again say that we have no alternative but to support it. There is no alternative except for the whole House to vote to reject it and that is highly unlikely. I repeat that when agreements are brought here for ratification individual members do not have any opportunity to make a significant contribution towards the debate. I believe that members should have an opportunity to discuss agreements, not in toto and not for any particular political ideology, but for the preservation of our democratic way of life. I make the humble suggestion that in the future agreements such as the one now under discussion should not be so definite. Undoubtedly, it is a welcome piece of legislation because, as a result of the general downturn in the economy not too many agreements have been presented to us for ratification. I know that the passing of this agreement will not mean the construction of additional buildings immediately, but it will make provision for the future. We support the Bill.

THE HON. H. W. GAYFER (Central) [7.39 p.m.]: I was interested in the remarks of the Leader of the Opposition in respect of this Bill. I quite agree that not much can be said when ratifying an agreement such as that contained in the Bill except with regard to the future environment of the Kwinana area and Cockburn Sound. I think the honourable member encompassed the problems of the area and established that the industry under discussion could be termed a "dirty industry". I think that is what the honourable member was referring to, and he implied that consideration should be given to that factor when we lease land for specific purposes. Even if an agreement is to provide only for additional land, the predominant thought in the mind of the Government, and in the minds of those responsible for setting up the particular industry—and it is sometimes necessary to have dirty industries—is the preservation of the environment.

The Hon. D. K. Dans: The company has done a very good job in this regard.

The Hon. H. W. GAYFER: I was going to draw attention to that very fact. Trees and lawns have been planted.

When Co-operative Bulk Handling went to the Kwinana area it was very conscious of this point. However, it is very interesting to note that sometimes the initiative of factory owners is unwittingly reversed. Efforts are sometimes chopped to pieces and it is not possible to bring them to fruition. Co-operative Bulk Handling battled for many years to get land in the Kwinana area.

When the Kwinana area was divided for industrial purposes Co-operative Bulk Handling was allocated a portion of land adjacent to the Rockingham townsite. In its wisdom, the company advised the Department of Lands and Surveys that it preferred that an area of 11 acres adjacent to the Rockingham townsite should be given over as an "A"-class reserve on which the company would plant trees and lawns, and use it as a buffer strip between the CBH facilities and the townsite. That suggestion was duly agreed to and the area was gazetted as an "A"-class reserve. CBH erected a fence around 51 acres of land, and commenced to build. The 11-acre buffer strip was planted with trees and lawn and it completely neutralised the sound associated with the works.

Within a period of about 12 months CBH noticed that an ablation block was under construction in the buffer area and as a result of inquiries the company found that the land had been reverted to Rockingham Shire Council for recreation and caravan purposes. The Rockingham Shire Council had managed to talk its members of Parliament—one in this Chamber and one in another place—into convincing the Minister of the day (Mr Bovell) that the land should be re-gazetted for a caravan park. That decision completely thwarted the intention and purpose of the 11 acres acting as a buffer area.

The Rockingham Shire Council leased the caravan portion of the 11 acres for \$6 000 a year to an interested firm which immediately commenced the construction of the ablation block, and turned the area into a caravan park.

The Hon. D. K. Dans: That was the point I was making.

The Hon. H. W. GAYFER: When CBH started to go ahead with the building of its huge complex—and in case members are not aware, it is a terrific complex; the biggest building under construction in Australia—it looked as though an injunction was to be taken out against CBH because the noise of construction was interfering with the patronage of the caravan park.

There was only one thing to do: CBH had to turn around and buy the caravan park. This is a fact. At present, until that building is finished, CBH has a caravan park on its hands, simply because it was cheaper insurance to do that than to be served with an injunction to stop the

noise emanating from a building which was half-way up; and that kind of building work cannot be stopped when a pour is on.

The intentions of companies are somewhat thwarted by a move which undoes all the goodwill and the good purpose of their original scheming and agreements. We had another instance where the Fremantle Port Authority was going to build a jetty to supply CBH with wharfage for the vessels loading wheat. What happened? The Government of the day immediately said, "Now we are going to build this jetty for CBH, we will load alumina from it, with the dust and everything else which is incompatible with wheat." So the farmers had to turn around and build their own jetty in order to get over the problem of pollution—call it what one likes—and try to do the right thing.

The PRESIDENT: Order! I hope the honourable member will have something to say about the Bill shortly.

The Hon. H. W. GAYFER: I am referring to the points made by Mr Dans. Under the modern systems which have been evolved as far as pollution control is concerned, the companies in deciding the amount of land which is required should take the garden aspect into consideration. I am sure that when the land proposed for CSBP is built on it will have the same garden setting as the present installation has. It is a very attractive site and it was hoped Western Mining might be able to get some more land in order to do this type of thing.

In all, I can sympathise with the comments of the Leader of the Opposition as far as pollution and the general up-grading of the area are concerned, and I hope all companies will continue to do what is done in very progressive parts of the world; that is, improve the site so that it is as near to a thing of beauty as can be expected or hoped for with a factory site, which is a dirty site in any case. However, it is possible, and some consideration should be written into these contracts before land is given over to the companies which will eventually use it.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [7.49 p.m.]: I thank honourable members for their comments but I disagree with Mr Dans. I think it is preferable to have an agreement firmly written by the Government and presented for ratification. I always remember the story about God trying a committee system to design a horse and getting a camel, and having to step in and produce the horse himself eventually.

The Hon. D. K. Dans: It is only a story.

The Hon. G. C. MacKINNON: It is analogous to this situation. We tried it and we were not very happy with the arrange-

ment. I think the system we use is the better one from the point of view of the companies involved.

The arrangements for the Bill were commenced when Mr J. T. Tonkin was Premier and have been carried on in good faith. I commend the Bill to members.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKINNON (Minister for Education), and passed.

MENTAL HEALTH ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [7.53 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide legislation which will ensure that adequate medical care is available to residents in private psychiatric hostels, and which will strengthen control over such establishments.

The Community Psychiatric Division of Mental Health Services was established under a psychiatric superintendent in 1974, with the aim of selecting hostels to provide ongoing rehabilitation for selected patients. In 1975 additional staff were appointed to assist in the improvement of patient activation and to improve the method of selection of patients for discharge to the hostels. This Bill seeks to regularise the work of this division of Mental Health Services and also provide for approval of private establishments as premises for the purpose of accommodating and caring for persons who are socially dependent by reason of mental disorder.

These premises cater for the needs of people who have received treatment in an approved psychiatric hospital and who have been either discharged or placed on after-care. Under existing arrangements, hostel proprietors are paid by the State a subsidy of \$1 per day for each approved resident.

Provision has been made for the production of audited financial records and balance sheets of private psychiatric hostels. These are to be supplied only if required, and it is envisaged they would be needed only in support of a claim for increased subsidy, or where considered necessary in the determination of a complaint relating

to a financial matter. It is not intended, or required, that financial returns be submitted on a regular basis.

The Bill also provides for the application and issue of a declaration of approval for premises which are conducted as private psychiatric hostels. The persons conducting such premises will be required to be licensed. The Minister may revoke the approval and the licence on advice from the Director of Mental Health Services, and the licence holder will be given a copy of the director's report, together with one month's notice of the intention to consider revocation.

Arrangements have been included under which subsidies are paid towards the cost of the maintenance of a private psychiatric hostel.

It is intended to establish boards of visitors to visit and inspect private psychiatric hostels and be available to interview residents and receive complaints or recommendations affecting the welfare of residents.

Members of boards will receive fees, which currently are: chairman \$40 per meeting, members \$30 per meeting. Members will be recouped the cost of travel and incidentals. These procedures are consistent with those pertaining to boards of visitors appointed for approved hospitals.

A board will have a direct responsibility to the Minister, and is required to undertake visits to and inspections of private psychiatric hostels, and to concern itself with general patient welfare matters. Each hostel must be visited once in each two months, and inspections must be carried out every four months or as often as the Minister requests.

The attention of members is drawn to the provisions of the Mental Health Act, 1962-1973, relating to the appointment and responsibilities of boards of visitors and to the specific sections dealing with approved private hospitals. It will be noted that much of the existing legislation has been adapted to suit the proposals with regard to private psychiatric hostels.

The Bill also brings in the requirement for the annual approval of premises which are conducted as private hostels, day activity centres, and sheltered workshops for the intellectually handicapped, with similar provision in respect of standards of care and facilities relating to private psychiatric hostels.

Similarly, provision is made for the issue of annual licences to fit and proper persons who apply to conduct approved premises as a private hostel, day activity centre, or sheltered workshop for the intellectually handicapped. It is proposed that the provisions which apply to private psychiatric hostels in relation to the issue and revocation of declarations of approval and licences will apply to private hostels, day activity centres, and sheltered workshops. Provision is also made

for the payment of grants and subsidies towards the cost of maintenance of private hostels, day activity centres, and sheltered workshops for the intellectually handicapped.

The establishment of boards of visitors has not been extended to cover facilities for the intellectually handicapped, as it is not considered that such provisions are necessary under the existing system of co-operation which has been established between the department and the two voluntary organisations concerned.

Regulations will be necessary for carrying out and giving effect to the legislation.

Fees of \$10 per declaration of approval and \$4 per licence per annum will be prescribed by regulation. However, hostels, day activity centres, and sheltered workshops not conducted for profit shall be exempt from payment of the prescribed fees.

Under the regulations, it is proposed that the Director of Mental Health Services will prepare a brochure outlining the required standard of buildings, equipment, and furniture, and the provision of services. Copies of the brochure will be made available to interested persons.

Provision will also be made for the safety, health, and welfare of residents in, and attendants at, premises approved under the legislation.

By mutual arrangement, some staff of the Slow Learning Children's Group are already undergoing training with the Mental Deficiency Division of Mental Health Services, and it is proposed to extend this scheme.

Regulations will provide for minimum nutritional food standards for residents in hostels.

It is considered that residents in private hostels should be guaranteed a minimum proportion of any age or invalid pension received on their behalf, to be applied for their own personal use to enable them to purchase items of clothing, toilet requisites, and other desired items. Pensioners accommodated in departmental hospitals and hostels currently retain part of their pension for their own personal requirements. It is considered that part of the basic pension should also be provided to residents in private psychiatric hostels and private hostels for the intellectually handicapped for their own personal use.

I commend the Bill to the House.

THE HON. R. THOMPSON (South Metropolitan) [8.00 p.m.]: First of all I would acknowledge that reference was made to this legislation in the Governor's Speech. Shortly after the Governor's announcement that the legislation would be brought forward, the whole matter was brought up by the Hon. Lyla Elliott; and great credit to her because we saw that something was amiss with these psychiatric

hostels. Of course, since then much public concern has been generated. A great deal of inquiry has been made by the media, and I give the Press credit for its part in bringing about this legislation. We are now in the second last day of the session, and if the media had not brought this matter up as a result of the many controversial statements made by Miss Elliott, by the Minister, and even by the Director, Mental Health Services, I do not think this legislation would be before us now. Possibly it would not be before us until the end of the next part of the session.

The Hon. N. E. Baxter: You would be surprised to know when this went to Cabinet.

The Hon. R. THOMPSON: I hope I am surprised when the Minister answers my questions at the end of my speech.

The Hon. N. E. Baxter: I will do that.

The Hon. R. THOMPSON: I had very short notice of this Bill, so I apologise if my speech is not as good as it could be. I could have adjourned the debate, but I will not be here tomorrow and I desire to speak. I could obtain 40 or 50 Press cuttings on this subject and entertain the House for several hours.

The Hon. N. E. Baxter: Mr George Williams' articles.

The Hon. R. THOMPSON: In order that the Minister does not become too upset before I start asking questions, I would say this is good legislation but I have certain reservations. If the Minister is taking notes, one of the first things I would query is why should mentally retarded groups such as the Slow Learning Children's Group—

The Hon. G. C. MacKinnon: It is not necessarily that group; you don't even know your terms.

The Hon. R. THOMPSON: I think I do.

The Hon. G. C. MacKinnon: You don't.

The Hon. R. THOMPSON: The intellectually handicapped—

The Hon. G. C. MacKinnon: That is a different matter.

The Hon. R. THOMPSON: —which means slow learning children.

The Hon. G. C. MacKinnon: Not necessarily.

The Hon. R. THOMPSON: They will come within the ambit of this measure. I suggest that the Minister for Education read the Bill.

The Hon. G. C. MacKinnon: What happened in the three years you were in Government; were these things perfect then?

The Hon. R. THOMPSON: A year before Mr Davies became the Minister for Health he was talking about this matter.

The Hon. N. E. Baxter: He only talked.

The Hon. R. THOMPSON: That is right; he talked about it. He knew something was amiss before he became the Minister. He first raised this matter six years ago.

The Hon. G. C. MacKinnon: Why didn't he do something about it?

The Hon. D. W. Cooley: You had 12 years.

The Hon. G. C. MacKinnon: I started it.

The Hon. R. THOMPSON: Mr Davies attempted to do something about it. He was told that everything was fine. In all probability it may have been fine; I think these hostels were working all right when we were in Government.

The Hon. G. C. MacKinnon: You are jolly well right about that and they are working all right under Mr Baxter, too.

The Hon. R. THOMPSON: The first of these hostels was opened in 1967, to the best of my memory. For the next two or three years after that I think there were only two or three of these hostels. Due to lack of space in the regular institutions and the fact that people should not be incarcerated if they are capable of going out into the community, more hostels were created. I spoke on the Mental Health Act when it was introduced, and I agreed with the principle enunciated in it. Now it has been said there are some 250 to 400 people who are sent to these hostels from time to time.

Mr Davies, with whom I have discussed the matter, said he tried to do something about it when he was Minister, but he was assured that everything was going according to plan. Of course, I am not criticising the present Minister because I think it was necessary to establish these institutions. Mistakes may have been made; but I said I support this legislation with certain reservations, and I am expressing those reservations. Evidently something has gone amiss.

The Hon. G. C. MacKinnon: No it has not. I think there has been a lot of witch hunting and nonsense; that is all.

The Hon. R. THOMPSON: That could be true.

The Hon. G. C. MacKinnon: Mr Davies saw for himself that they were all right. We didn't witch hunt and talk a lot of nonsense at that time.

The Hon. R. THOMPSON: At least four people who ran these establishments but who are no longer running them have openly criticised the Mental Health Services and some other hostels.

The Hon. G. C. MacKinnon: Probably they wanted more money.

The Hon. N. E. Baxter: Of course they would, because Mental Health Services was on to them.

The Hon. R. THOMPSON: This does not add up, according to the Press article I have here. Perhaps this is the appropriate time to read it. It is an article which appeared in the *Daily News* of the 3rd May, 1976.

The Hon. G. C. MacKinnon: Are you about to quote from the capitalist Press?

The Hon. R. THOMPSON: I have already given credit to the Press and said without it this legislation would not be here. Of course, many statements have been made in the Press, but this is one of the last and I think I should read it because it is a fair article.

The Hon. N. E. Baxter: By George Williams.

The Hon. R. THOMPSON: That is right; I do not know him.

The Hon. N. E. Baxter: We do.

The Hon. R. THOMPSON: I cut out this article because I think George Williams came up with a pretty good summary, after all I had heard on the radio, seen on television, and read in the Press, including statements by the Minister and the Director of Mental Health Services, one contradicting the other.

The Hon. N. E. Baxter: That is not so.

The Hon. R. THOMPSON: The article is headed "The mental health scene: Jumble of facts and confusing words", and states—

The extraordinary sight of Dr Arch Ellis standing in a cage built for monkeys and arguing that it is a gazebo sums up the row over nursing hostels used to board former mental patients.

It is a jumble of facts and semantics.

For three weeks Dr Ellis as director of Mental Health Services, has been running the gauntlet of attacks on the system.

He and his boss, the Minister for Health, Mr Baxter, have responded with denials, outrage and expressions of hurt and abuse.

Their attitude appears to be that nobody has been a fair critic; reporters are gross distorters; former hostel employees are disgruntled; and former hostel owners are suspect because they have "vested interests."

The facts and their responses are: That since April 8 the MHS has been criticised for failing to inspect and supervise nursing hostels properly.

Six people, who between them have owned a total of eight hostels, have all said that they have not been inspected for at least three years.

Some of them gave corroborated evidence of violence and maltreatment of patients.

Mr Baxter and Dr Ellis have shown some confusion about the inspections they say take place "regularly, frequently and at random."

On April 11 Dr Ellis said he had been worried about conditions in rest homes for several years. He had insisted that hospitals that sent patients to hostels policed the situation after the transfer.

Hospital superintendents and staff, including psychiatrists, mental health officers and social workers had made regular visits to the homes, he said.

The next day, April 12, Dr Ellis said: "About once a week or once a fortnight most of these places are visited."

He said that MHS staff and staff from hospitals made frequent random inspections.

But on April 28 he said: "There is no laid-down system of checks at the hostels. In 1967 when we started the hostels there was a form of check laid down which was undertaken by the superintendent of Graylands."

This led to a comprehensive report on whether there was adequate light and air and if there was overcrowding.

Then he said: "There is no system for further checks at this stage."

The day before Dr Ellis's explanation of how the checking system started out and then lapsed, Mr Baxter had repeated there was a frequent, regular inspection system.

But he said the inspections were done by the director of the MHS Community Services Division, Dr R. M. Ellison (who has resigned) and the MHS chief social worker, Mrs N. Paust.

Mr Baxter said: "Two people wouldn't be flatout covering 25 places. Records are kept and I am happy that they are doing their duty. They would go about once a week, I suppose, not every day—there is no need for it."

Mrs Paust offered a third explanation: "The hostels are inspected by our six after care nurses," she said. "They share 21 hostels between them and they are constantly visiting them; several times a day in some cases. They call to see patients and to take them out to medical appointments and occupational therapy."

But six of the hostel owners remain adamant that their premises have not been inspected—by Dr Ellison, Mrs Paust or the after-care nurses.

They agree the nurses call regularly, but they say there is no attempt at inspecting the premises or the patients' food.

Then, 48 hours after announcing he was going to inspect hostels, Dr Ellis met the Press and took them on a tour of three hostels at Guildford last Wednesday.

He began angrily—accusing reporters of “gross distortion” for using the words “monkey cage” in a newspaper headline.

Possibly I would agree with Dr Ellis in respect of that. The article continues—

[The Daily News reported last Monday that a man had been kept in a cage designed to contain monkeys because he had stolen milk money and newspapers from neighbouring homes.]

But an hour later Dr Ellis was standing in the cage grinning, and saying, “See, it’s just a gazebo.”

The Hon. N. E. Baxter: Did you see a photograph of Dr Ellis standing in the cage? Did he look as though he was grinning?

The Hon. R. THOMPSON: I saw it on television. I do not think so.

The Hon. N. E. Baxter: I do not think so also.

The Hon. R. THOMPSON: The article continues—

He said he could not explain why the door had been taken off between Monday and Wednesday and the owner was not prepared to see reporters.

Despite their defence of the nursing hostel system, both Mr Baxter and Dr Ellis are dissatisfied enough to be waiting eagerly for Crown Law to approve legislation now being drafted to give the Government tighter control over hostels.

The Minister interjected a while ago and said, I think, that this went to Cabinet in February.

The Hon. N. E. Baxter: It went to Cabinet in September.

The Hon. R. THOMPSON: It took a long time to get this Bill going.

The Hon. N. E. Baxter: The Crown Law Department does not approve the legislation, as you should know. The Crown Law Department drafts it.

The Hon. R. THOMPSON: I realise that.

The Hon. N. E. Baxter: That is where Williams is so way out, just like all his statements.

The Hon. D. K. Dans: Who is Williams?

The Hon. N. E. Baxter: A reporter on the *Daily News*.

The Hon. R. THOMPSON: He is not a politician. I do not know the person. I think we all make mistakes.

The Hon. N. E. Baxter: He does not bother to check up on things either.

The Hon. R. THOMPSON: The article continues—

COUNCILS

At present the hostels are privately owned and licensed with local councils as boarding houses. They are financed with patients’ pensions (\$92.50) a fortnight from this week) paid directly to the hostel owners and a \$1 per patient per day subsidy from the State Government.

The State Government has no right of inspection or entry to these hostels. Its only real control over them is the right to withdraw patients.

This sends hostels broke.

Dr Ellis wants the right to license hostels and inspect them. If the MHS is not satisfied then it wants to be able to cancel a hostel’s licence.

It also wants hostel owners to have some accountability for the money which is now paid to them with virtually no questions asked.

Dr Ellis also wants to screen hostel owners and premises to ensure that both are suitable.

There is not much distortion in that part, is there? The Minister has no comment. The article went on—

By Christmas MHS should have those controls.

In the meantime, despite the bluster and the sweeping smears, many questions remain unanswered including:

I hope the Minister will now answer these questions because the Press has been striving to get them. In the public interest the Minister should give answers to the following questions—

What was done about the bashing of an elderly woman in a Guildford home 18 months ago?

What was done about the street attack on a male patient by the son of a hostel matron?

What was done about the man who had his mouth stuffed with cotton wool and taped up for swearing?

What will be done to protect patients from being used as unpaid labour?

To the best of my knowledge the Minister has not attempted to answer any of those questions, although this article appeared on the 3rd May. He has had plenty of opportunity to answer. I hope he will satisfy not only me but also the people who have shown great concern. With 400 people living in hostels I think suspicion is cast on all the hostels. I think that is unfair to all hostels. If some are not doing the right thing the Minister should tell us which ones are not doing the right thing so that patients can be transferred into more suitable accommodation.

I shall now return to the legislation. I started by saying that I consider it to be good legislation. It has been modelled on certain other pieces of legislation. For instance, I think the board of visitors is an excellent idea. I think the inspections that will now be carried out are an excellent idea. I think the licensing under the regulations, the standards of furnishing, the number of patients and the nutritional value of the food being served will allay many of the fears in the minds of people who unfortunately have relatives and friends living in such hostels.

Another point I wish to raise is that I can find in the definitions only the definition of a superintendent.

The Hon. R. J. L. Williams: A psychiatrist superintendent?

The Hon. R. THOMPSON: Not a psychiatrist superintendent. He is from the community division of the department. I am talking about the superintendent of one of these hostels. In the Mental Health Act the definition of a superintendent is as follows—

"the superintendent", in relation to an approved hospital or a patient, means the superintendent of that hospital or the hospital of which the patient is a patient, and includes the deputy superintendent:

In the Bill I cannot find any qualification which shall be required for a person running these hostels. Can the Minister advise me of the qualifications and whether the provision is in the principal Act or in this Bill? I cannot find it in the short time at my disposal. I should like to know whether such people are to be trained people or whether they are to be—

The Hon. N. E. Baxter: Trained in what?

The Hon. R. THOMPSON: A sister or a matron trained in some form of medical care.

The Hon. N. E. Baxter: You are not dealing with sick people. You bring medical care in from outside if you need it. These are for aftercare.

The Hon. R. THOMPSON: I have no knowledge of mental health services, training, care or control. Does the Minister mean to say that if I buy a suitable house and act in conformity with the regulations I could apply, and be approved, to conduct such an establishment?

The Hon. N. E. Baxter: I could not think of anybody better. I think you would be an excellent hostel proprietor.

The Hon. G. C. MacKinnon: We would approve you and your wife in a flash.

The Hon. R. THOMPSON: I think that—

The Hon. N. E. Baxter: Seriously.

The Hon. R. THOMPSON: I think there must be some qualification with regard to a C-class hospital.

The Hon. N. E. Baxter: That is a hospital. There you have a medical nurse.

The Hon. R. THOMPSON: We must remember that people can be detained in these hostels.

The Hon. N. E. Baxter: No.

The Hon. R. THOMPSON: Does the Minister say they cannot be detained?

The Hon. J. Heitman: Yes.

The Hon. R. THOMPSON: If one reads the Minister's second reading speech and the Bill, one will find that the word "detained" is used.

Another point on which I wish to comment is that we are to have regulations concerning the amount of reimbursement people shall obtain from their pensions or their private means. Even in Government-backed organisations—I shall not mention the names—some get \$1 a week and some get \$2 a week. One Catholic organisation of which I know is the most liberal-minded of the lot; it reimburses \$5 to people out of their pensions. This matter is to be determined by regulations. Perhaps the Minister could give us some indication of just what is envisaged in the regulations with regard to how much money these people will receive.

I think the position would be clear to all concerned if it were laid down in the Bill that the amount shall be 5 per cent, 3 per cent or some other definite figure. The regulations could lay down that the figure shall be 1 per cent and then we would have to wait for a long period to pick up the figure in the regulations when they are tabled and we may find that the sum is insufficient. The figure should be laid down in the legislation so that there is no argument. The proprietors of some of these hostels might never see the regulations unless they are in some sort of trouble and must obtain a copy of the *Government Gazette*.

The Hon. N. E. Baxter: They will be provided with a copy of the regulations.

The Hon. R. THOMPSON: I do not like the system of saying that there will be reimbursements to the patients and they will be governed. I think it would be much better if it were laid down in the legislation that a percentage of a patient's pension shall be payable for his personal needs. Some of the people may not need the full amount and, of course, the rest could be banked on the patient's behalf.

I do not intend to criticise the Bill in every detail because I think this Bill gets over a situation that confronted us with regard to C-class hospitals not long ago when people said they were going broke because they were managing C-class hospitals.

Under the Bill, audited financial records can be called for and these should satisfy the department as to whether the Government subsidy is large enough and whether hostels are running into trouble.

I referred to the declaration of approved premises and I agree with this provision and also the revoking of licences for such premises if something is not right with them. I believe that if this provision had been in force over the last couple of years the present situation would not now be confronting us and the public scandal would not have occurred as a result of people not doing the right thing.

I generally support the Bill, but I want to be convinced by the Minister concerning the Slow Learning Children's Group. Over the years this body has acted admirably with a high degree of ethics and professionalism. It has put in a lot of hard work and has not waited for others to do the work. That group runs sheltered workshops and sheltered workshops are included in the Bill.

With those words I support the Bill, but if I do not obtain sufficient answers to my queries I will be speaking again in Committee.

THE HON. R. J. L. WILLIAMS (Metropolitan) [8.32 p.m.]: I support the Bill and its concept, but do not let us get carried away with the idea that the people we are dealing with under the Bill who will care for residents at these hostels must have any form of medical qualification whatever, because this is not the case. This is merely a boarding housekeeper's Bill and is to cater for properly-run boarding houses.

No illness in the community is so misunderstood and so inflammatory to some people as mental illness. Dr Ellis deserves a great deal of credit for introducing this concept of after-care hostels to the then Minister for Health (Mr MacKinnon).

Some mentally-handicapped people with brain damage can have nothing more done for them. However, they are not a danger to themselves or other people. Before the arrival of Dr Ellis the practice was to incarcerate these people in what was then called an asylum. If members have been in as many asylums as I have been—as a visitor I hasten to add—they would have seen the change which has taken place in them. The hospital at Claremont was known as the Claremont Asylum, but it is now referred to as Graylands-Swanbourne. Other members in the House have a detailed knowledge of the place. If we look at that institution now and compare it with what it used to be we realise the amazing evolution which has taken place in mental health services since 1967 or perhaps a little earlier.

The Hon. G. C. MacKinnon: A little earlier.

The Hon. R. J. L. WILLIAMS: Horrifying tales are told of those places, some of which are true and some false, but nothing is more disheartening or soul destroying than a visit to those institutions in the days when literally hundreds of patients walked round in one large circle day after day after day. Some of them were there merely because at the age of six or seven years their parents were unable to cope with them and so they were taken to such places and eventually left there. Some of them are now aged.

I can think of one person in the city who is one of these after-care patients. She was taken to Claremont when she was six, seven, or eight years old. According to her parents she was a slow learner, but the real trouble was that she had an eye defect which in those days could not be cured. She is now about 70 years old. True she is docile and slow, but she never had the opportunity to learn, but spent something like 40 or 50 years of her life in Claremont.

All these people need is precisely what Mr Thompson outlined and what is described in the Bill; that is, gentle, loving care, good nutrition, and a decent place to stay.

If members hear of some of these patients being smacked—I do not mean brutally—like little children, they should keep in mind that is all they are mentally, although they are actually 50 or 60 years old.

Let us consider what the Bill will achieve. Some people do not want to know their relatives when they have a mental illness or some socially unaccepted disease. If a person breaks an arm or a leg he receives a lot of sympathy because he has a plaster-cast to show for his pain. However, if a person's mind is broken no-one wants to know him because the strange things he does from time to time cannot be understood.

It is not true of all people, but a large majority of families do not want to be burdened with these people who have some form of mental disorder. It is difficult for the mentally afflicted themselves to be reorientated into the community and be accepted. Expressions like "nervous breakdowns" are frequently used instead of the expression "mental illness" or "insanity".

It is into this kind of atmosphere that Dr Ellis directed his attention and recruited people who were prepared to give the necessary care to these mentally afflicted people.

In 1972 I visited one of these institutions, but I will not name it because it is still in business. I was very pleased with it. Patients were well cared for and some of them went down to the industrial rehabilitation unit at Claremont in the morning on the bus and returned from work there in the evening. They had the

ability to catch the bus and travel some six or seven miles. Sometimes they had to change buses in town in order to get to Claremont and then they returned to the hostel at night.

The only complaint I heard of from the Mental Health Services about that particular hostel was that a little time ago they had to tell those in authority to cut down on the food given to the patients who remained at the hostel during the day because they were not getting as much exercise as they should and therefore because of the rather good diet they enjoyed they were suffering from obesity which was leading to other illnesses.

I was there on three occasions and on one of these a patient suffered toothache. Immediately he was taken to the Perth Dental Hospital. The arrangement was that a nurse from Claremont would come to take the patient to the Perth Dental Hospital. In the event of any illness whatever a patient is taken to the nearest hospital. This particular hostel has a doctor who visits it once a week to check on the health of the boarders.

I want to clarify a point for the benefit of Mr. Thompson. The doctor would in certain instances recommend medication in the form of tablets or medicine. These were duly checked and kept in a locked cupboard. If dangerous drugs were involved, the hostel was visited by the appropriate authorities to ensure that the drugs were being kept safely.

In anyone's house there are from time to time pills and patent medicines of all sorts which doctors have prescribed and we are quite capable of giving them to our children or taking them ourselves. That is the analogy I wish to draw. These places are not for sick people, but for well people. They are ambulant and can get around. They are not well in their minds and some of them do have a relapse and are immediately transferred back to the institution from whence they came. If at any time they suffer any form of physical illness they are properly treated.

Unfortunately we always have unscrupulous people in the community and in this situation some people have been unscrupulous enough to batten onto what they thought was an easy touch. No-one wanted these people and all the unscrupulous people had to do was to take care of them in premises and then they had command of the money involved and from this they made a packet.

Mr Berry can bear me out that as long ago as 1971 I spoke to him and indicated that if anyone, even only half decent, wanted to run a business he could make a good living out of one of these homes; and this was so. However, as I said, the unscrupulous are always with us and it is to counteract these people that the legislation is before us.

The Bill will help those who are really interested in the care of the mentally ill and I hope the House approves of the measure because it is necessary as we are dealing with human lives.

Members would do well to read a book called *One Flew over the Cuckoo's Nest*. I cannot recall the author, but at the moment a film based on the book is being screened in town. The book indicates what the mental health business was like in America in 1962.

The Hon. R. F. Claughton: I highly recommend the film.

The Hon. R. J. L. WILLIAMS: I have not yet had the opportunity to see it, but I have read the book and it is interesting and absorbing. Any person who has read it wonders whether we should not study the whole situation here again. The more inquiring minds we have in the public, the more understanding we will have of mental illness and, in the long run, there will be less mental illness.

I support the Bill.

THE HON. T. KNIGHT (South) [8.45 p.m.]: I also rise to support the Bill. However, I do feel it is too limited in its scope as it is being discussed this evening. The hostels which we are discussing at the moment are really limited to the larger provincial towns or the metropolitan area. There would be insufficient people in this category to establish in the rural areas hostels such as those we are discussing. The cases that do exist in the country are not receiving the attention I think they should.

I am the chairman of a committee that is called the Handicapped Persons Committee, which I do not believe is limited to physically handicapped persons; its activities extend into the mentally handicapped field as well.

Recently when the rural affairs inquiry went to the country areas I was, on one occasion, with the commissioner of that inquiry. We visited a farm in the Lake King area where there was a family with a mentally retarded child. They informed us that in that small area there were something like 19 mentally retarded children in different stages of retardation.

The parents did not wish to send the children to the city or to the provincial towns which would necessitate trips of six to seven kilometres to visit the children concerned. Apart from this they felt it would be a disadvantage to take the child away from the environment of a home life and that it would take a long time for it to assimilate in its new surroundings.

The people in question put forward an idea on how this matter should be handled and that is why I bring it up this evening. The suggestion made was that a bus should be made available with trained personnel—perhaps a nurse or a qualified

male nurse—who could handle the treatment and advise how the children could be cared for and trained. It was further suggested that the bus could visit the area say twice every school term and this would eliminate the necessity for the parents to take the children and leave them in the city, perhaps several hundred kilometres from home which would, of course, entail considerable expense by way of travel backwards and forwards and accommodation expenses if the people in those rural areas were to visit the children once a month or once every two or three months.

The parents of the children in question were anxious to keep the children in their own homes, under their own guidance; all they desired was to be shown how to treat and train the children.

These mentally handicapped children will finish up in private hostels unless a bus service is provided with the necessary nursing staff to show the parents how the children should be treated, cared for and trained. Different pieces of equipment could be used in the various schools—for example in the slow reading children's group—and it should not be difficult to provide a bus or a Kombi van which could be used for the purpose in question.

We are rather limited in what we are seeking to do tonight. I fully approve of the action being taken to amend the Act, but I feel the Minister should have a very close look to see whether or not we are being too parochial in considering the provincial towns and cities when we should be looking at the problem as it affects the whole of Western Australia. If we are mobilised in our efforts in this direction we should be able to meet the problem as it exists today.

I support the Bill, and I merely bring this matter to the attention of the Minister.

THE HON. N. E. BAXTER (Central—Minister for Health) [8.49 p.m.]: I would like to express my appreciation to the Hon. Ron Thompson for his acceptance of the general principles of the Bill; to the Hon. John Williams for his unqualified support of the measure and his remarks on mental treatment generally and particularly for his very kind remarks about Dr Ellis, the Director of Mental Health Services. I also thank Mr Knight for his support of the Bill.

Perhaps I should work backwards and deal first with the remarks made by Mr Knight. The major portion of this Bill deals with after care in mental hostels. The matter referred to by Mr Knight concerned families who have mentally retarded children; families in homes on farms and in country towns. Mr Knight suggested that perhaps the Mental Health Services should provide personnel to call on these homes on the farms and in the towns to instruct the parents on how to

educate, care for, and treat their mentally retarded children, or their mentally handicapped children.

This would be very costly indeed apart from being a most unwieldy exercise. I recommend to Mr Knight that he should perhaps have a look at what has been done in the eastern wheatbelt—in Kellerberrin in a large area extending to Corrigin and up to Dowerin and further south-west to Beverley, where the people in those areas have established through the Slow Learning Children's Group a home for intellectually handicapped children at Kellerberrin; where these children can attend special classes in a school provided for them. This is the manner in which this problem should be handled rather than have personnel visit the parents concerned to show them how they should care for, train, and look after their intellectually handicapped children in their own homes.

Mr Williams made some very good points in regard to the mentally handicapped and mentally afflicted, and pointed out that we have a very good system and a very much improved mental health service in Western Australia as compared with what it was years ago.

I might say here that our mental health service in this State is quite renowned. We have had people from overseas and the Eastern States complimenting us on our mental health services. There have been very favourable comments on our set up here; on the open area at Graylands and Swanbourne and the conduct of the institutions by the Mental Health Services in Western Australia.

We have made tremendous strides in this direction, ever since Dr Ellis took over the reins and has had under his guidance psychiatrists and others who have devoted themselves to the treatment of the mentally retarded. Between them they have set up something that is a model for the rest of the world to follow. As I have said people from other States have complimented us on our mental health services in Western Australia.

I now get down to the nitty gritty of the issues raised by Mr Thompson. He said that shortly after the Governor's Speech and as a result of the efforts of Miss Elliott and the media generally the Government moved to introduce legislation to deal with after care mental hostels with a view to exercising some control in regard to them. This is not at all factual.

The Hon. R. F. Cloughton: He did say it was mentioned in the Governor's Speech.

The Hon. N. E. BAXTER: That is so but I would point out that I took action on this issue last year—or at least the department did. It drew up the rough plans for the control and inspection of

after care mental hostels because of some problems that had arisen. We were faced with problems as early as 1974.

For example I had the experience of some of the proprietors of these private hostels approaching me as the new Minister—no doubt they were trying me out—in the hope of securing an additional subsidy. I will not go into that aspect, however, but there was some newspaper publicity at the time. However the people concerned were not able to, or not prepared to, justify their claims for a subsidy. From that point the matter proceeded and I took a minute to Cabinet as early as September 1975 and sought approval to draft the Bill which has been introduced into this House. That is when it was done; not after Miss Elliott had raised the matter or the *Daily News* had reported on it.

The Hon. R. Thompson: Do not misinterpret what I said. I said it was mentioned in the Governor's Speech. Miss Elliott raised it and if there had not been the public furore we would not have had the legislation before us until the next session.

The Hon. N. E. BAXTER: That is entirely untrue. The Bill was presented to Cabinet before any furore occurred. As I said approval was given in September, 1975, long before any article appeared in the newspaper. So what the honourable member said is not factual.

Mr. Thompson also raised the question of the Slow Learning Children's Group and the Mentally Incurable Children's Association and said they should not be included in this legislation. I point out that they are included in this legislation. They are both wonderful organisations which are doing a tremendous job. Nobody appreciates more what they are doing than does the Government; indeed Governments in the past have shown their appreciation in this direction. As a matter of fact there is a committee comprising representatives of the Slow Learning Children's Group and the Mental Health Services which gives serious consideration to every proposition or project that is put up by this group. There is complete co-operation between the Mental Health Services and the Slow Learning Children's Group; and I am sure that the President, Mr Les Walter, and the Secretary, Mr Lambert, would endorse these remarks. The Bill is not aimed in any way to detrimentally affect any of these organisations.

The Hon. R. Thompson: Were they consulted?

The Hon. N. E. BAXTER: They know what the Bill contains; they knew the Bill was to be introduced before it came to this House. As the honourable member knows details of Bills are not discussed with other people before they are brought to the House in printed form. That principle has been accepted in Parliament and

there are very rare occasions when this is done. It is only in exceptional circumstances where people are shown a copy of the legislation prior to introduction.

The Bill provides for the control and inspection of the various projects embarked upon by the institutions to which mentally retarded people are taken for treatment; and this also applies where this is done on a daytime basis.

Is it not sensible that we should have on the Statute book legislation which would enable us to control other organisations which may buy a property and start a project but not provide the accommodation, service, and treatment comparable with that which is already being provided by the Slow Learning Children's Group or the association which represents the incurable and mentally retarded children? The service being given at the moment is very good and we should ensure the standard is maintained.

So that is a safeguard, should problems arise at any time.

The complaint was made that this problem was left too long before it was dealt with, but any organisation that may set itself up may not be as good as the Slow Learning Children's Group or the Mentally Incurable Children's Association. Of course, the Government subsidises those two organisations—and mainly the Slow Learning Children's Group—to the tune of \$1 million per annum for ongoing finance, or actually deficit funding, so surely the Government should have some say as to whether these places are up to standard and properly run, and also that the persons or children in them are properly looked after and fed. Surely it is not unreasonable to place such institutions in that category so that we can guard against any improper practices, such as the alleged improper practices in the aftercare mental hostels.

The Hon. R. F. Claughton: I was not aware that we had been opposed to that idea.

The Hon. N. E. BAXTER: What idea?

The Hon. R. F. Claughton: That the Government should be able to approve them. We were not opposed to it.

The Hon. N. E. BAXTER: Mr Thompson raised the issue about the inclusion of the Slow Learning Children's Group and the Mentally Incurable Children's Association in this legislation. Did not the honourable member hear his speech? I wanted Mr Thompson to know that approaches had been made by people operating such homes, and an approach was made to me about it.

We will come now to some of the statements made by Mr Thompson in regard to an article which appeared in the *Daily News* on Monday, the 3rd May. A journalist by the name of Mr George Williams embarked on a heresy hunt to see what he

could dig up and what rumours he could find to print in the Press. He set out on a campaign against the Mental Health Services, and Dr Ellis and myself particularly. Mr Thompson said general inquiries had been made and that Miss Lyla Elliott was approached by different people who gave her certain information. I understand that some of this information was passed on to Mr Williams, and that this was the basis of his general inquiries.

The honourable member said inquiries were made by private persons who had no axe to grind, but I am not aware of who these private persons were, except Miss Lyla Elliott and Mr George Williams, as the honourable member did not say. Mr Thompson commenced his remarks by referring to Dr. Ellis standing in a cage built for monkeys. He said it was averred that Dr Ellis had given a jumble of facts and that both Dr Ellis and I had retaliated by outrage and abuse. None of these statements is factual. Let us find out what happened in regard to the supposed monkey cage—let us get the nitty gritty of it.

The Hon. S. J. Dellar: The nutty grutty!

The Hon. R. Thompson: Remember what I said—I would not agree with that.

The Hon. N. E. BAXTER: I am coming to that—I have not accused Mr Thompson because he quoted from the article. Mr Williams visited this particular hostel and the proprietor was good enough to show him around. However, he happened to remark that a wire enclosure, which is really a shade house in the garden area, was referred to as a monkey cage. The previous owner of the premises had come here from Malaysia and I am given to understand that he originally intended to put birds in the cage but then had the idea to import monkeys. However, no monkey had ever been in this enclosure and I do not know how we can call something a monkey cage when it has never had a monkey in it.

The Hon. S. J. Dellar: What about a home that has never been lived in?

The Hon. N. E. BAXTER: The enclosure was never built for monkeys, but Mr Williams used this story to create a big headline. From the way the headline reads anyone would think that the patient had been taken to the zoo and put in a monkey cage. It was purely sensational reporting with no facts behind it.

The Hon. S. J. Dellar: Have you ever read anything different?

The Hon. R. Thompson: When does a prison cell become a prison cell?

The Hon. N. E. BAXTER: After a prisoner is put in it. It is a cell until it has contained a prisoner.

The Press article also referred to the fact that Dr Ellis was standing in the cage grinning. The honourable member saw the photograph in the Press, and he

did agree that there was no grin on the doctor's face. I know Dr Ellis fairly well, and he smiles, but he does not grin.

The Hon. D. K. Dans: He does not look as though he is smiling.

The Hon. N. E. BAXTER: If the doctor were grinning, it would be an unusual sort of occurrence. Dr Ellis would not know how to grin.

The Hon. D. K. Dans: Do you mean he could grin but not smile?

The Hon. R. Thompson: It is a change to see you smiling!

The Hon. N. E. BAXTER: Mr George Williams set out to get a sensational article and sensational coverage for the *Daily News*. He did not check on anything told to him. He had done all the damage and printed all the misstatements before he eventually rang me. I was so disgusted that I did not intend to enter into any controversy with him. He was sitting in the box seat—whenever I said anything his editor let him hit back straight away. I gave the game away after quoting several instances when his statements had been completely untrue. The whole tenor of his article was not factual.

Mr Thompson referred to the fact that the reporter said Dr Ellison had resigned from the department. Dr Ellison was overseas at the time, and although he is due to retire, he has not yet resigned. He has notified me that he intends to retire when he returns from overseas, but he has not resigned. He said the same thing about Dr Fougher of the Alcohol and Drug Authority, and at that time Dr Power had not resigned. Such misstatements appear throughout the article.

When Mr Williams eventually rang me I asked him why he had not done the decent thing and checked up on these matters as most journalists do. He started to bulldoze me and said all sorts of things. I said to him, "If that is the way you want to behave, I will not discuss the matter with you any further. Good morning." I then put the telephone down.

We then come to Mr Williams' statement that some hostel owners said their premises were not inspected. If they were not inspected, it was most unfortunate but to my knowledge none of the premises were missed. Most of the people who made the statements to Mr Williams had an axe to grind. In fact, it is rather surprising that one hostel owner—I will not give his name—who had expressed himself as being very much opposed to this legislation when the inquiry started and this Press controversy occurred, telephoned me last Tuesday or Wednesday and said, "Mr Baxter, I rang to tell you that although I was opposed to the legislation I can assure you that my wife and I, after what we have learnt, are with you all the way." I thanked him and told him I appreciated his call. That

is the attitude of an honest man, and I have always believed this particular person to be honest. I could not understand his earlier antagonism to the legislation.

Mr Thompson asked why thorough inspections of premises were not carried out, and referred to the fact that some proprietors said the inspections were not regular. As far as we could discover, inspections were carried out as thoroughly as possible by Dr Ellison and Mrs Paust. The visits are part of the hostel system and records of them are kept by the department.

In the early stages it was thought that the regulations could be used for complete control but as time went by we found this was not so. Dr Ellis hoped we could get away with inspections under the regulations but he had been aware of their shortcomings for quite some time. An attempt was made several years ago to introduce legislation of this nature, but somewhere or other along the line it misfired. This was before my period as Minister for Health, and unfortunately the matter was delayed until last year when we were able to look into it.

The Hon. R. Thompson: That qualified the answer I was given to a question—Ron Davies tried to do something.

The Hon. N. E. BAXTER: The records do not show that he tried very hard. The issue was raised during Mr MacKinnon's time as Minister for Health but then, of course, we were voted out of office. This problem has not just blown up while I have held the portfolio—an undercurrent has been present all the time.

Mr Thompson said that I have not answered some questions raised about bluster, sweeping smears, bashing of some patients, a street attack on a patient, and what action was taken to prevent patients being used as unpaid labourers. If there was any bluster and sweeping smears, they did not come from Dr Ellis or me—they came from the journalist. In regard to actions taken about bashings, and so on, whenever a complaint was made to the department, action was taken. Nothing was ever reported directly to me. When a complaint was made, we did not make a song and dance and rush into print saying that this and that had occurred. If no action were taken in any case, it was because no complaint had been made either to the department or me. Where a report was made, immediate action was taken to remedy the situation. So that is my answer to the statement that these questions were never answered.

The honourable member raised also the question of the qualifications of persons operating hostels. This was answered by way of interjection and it was pointed out that it is not necessary to have qualified nurses, psychologists or psychiatrists, or trained social workers to run a hostel. Any person of good character who wishes to

open up such premises may apply to the department to have aftercare mental patients placed in his care. This Bill provides that such premises—including furnishings and the whole setup—will have to be approved under the regulations. Also, the person wishing to conduct the hostel must apply for a licence. An ordinary decent reputable person would be able to run such premises very successfully. Some retired matrons are running hostels, but mostly the proprietors are ordinary decent citizens who look after the people in these aftercare hostels very well.

The honourable member also referred to a certain amount of pension being retained by the patient. In Government institutions, the amount retained is 33½ per cent of the pension and it is proposed that patients in after-care hostels will retain 12½ per cent of their pensions. We believe this provision is better left in the regulations rather than in legislation because if at any time in the future it is decided to increase this amount to, say, 15 per cent, it would be an easy matter to alter the regulation whereas, if the provision were contained in legislation, Cabinet may be tempted to say, "It is such a small amendment; let us wait until we need a few more amendments to the Act."

The Hon. R. Thompson: You are pretty definite about the 12½ per cent, are you?

The Hon. N. E. BAXTER: Yes, that will amount to about \$7.

The Hon. R. Thompson: That is reasonable.

The Hon. N. E. BAXTER: We believe this to be a reasonable amount to enable the pensioners to buy clothing and other small necessities. I hope I have covered the points raised by the Hon. R. Thompson.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Heading and Section 26D added—

The Hon. R. THOMPSON: This clause deals with "approved private psychiatric hostels". In the 1967 legislation, I fully understood the manner in which these hostels were to be run, but it is not so with this legislation. The legislation should be more definite in this respect, because, as it stands, anybody could be an approved person. I have visited one of my constituents—an elderly lady—who was residing in one of these hostels and whose relatives wished her to be transferred. Eventually, she lived in three different hostels, and I know how they were run. Two were run

very well, and one was run quite badly; the badly run hostel is no great distance from this place.

We should not fool ourselves on this issue; the operative word is "approved". An approved person should have compassion, a knowledge of catering, and a general knowledge of how to look after the types of people resident at such hostels.

We then come to the question of people being detained in these hostels.

The Hon. N. E. Baxter: What do you mean by "detained"?

The Hon. R. THOMPSON: The Bill states—

(4) Where a licence issued under this section is revoked or surrendered or the licence holder dies or becomes incapable of conducting the hostel, the Minister may issue a licence to some other approved person; but unless a licence is issued to such other person within one month of the revocation or surrender or being no longer in operation by reason of the death or incapacity of the licence holder or within such further period as the Minister may allow, the hostel in respect of which it was issued shall, at the termination of that period, cease to be an approved private psychiatric hostel, and the Director may thereupon transfer and convey any resident therein to another approved private psychiatric hostel, or if the resident is subject to section forty-three, to the appropriate approved hospital.

We must be honest about this matter. The Hon. R. J. L. Williams mentioned that once people are in this condition, many families do not want to know about them. In the main, these people are not capable of fending for themselves outside the hostels. They need some protection and therefore they must stay in the hostels. They cannot say, "I am leaving next week and I want my pension payable direct to me."

The Hon. N. E. Baxter: There is nothing to stop them from doing that.

The Hon. R. THOMPSON: Their pensions are not payable to them, but have been assigned to the hostels.

The Hon. J. Heltman: Surely that can easily be rectified. We see plenty of instances where pensioners have signed over their pensions for a period until they have squared off their accounts.

The Hon. R. THOMPSON: I believe Mr Heltman is on the wrong track.

The Hon. J. Heltman: I do not think I am; you claimed they were being detained.

The Hon. R. THOMPSON: I think the Minister will agree with me on this point. These people are in these institutions under the virtual trusteeship of the director, and their pensions are payable to the hostel. A person does not have the right under the

Act simply to say that he is going to take his pension and leave. I cannot think of any other word but "detained".

The Hon. N. E. Baxter: The word "detention" is used in the interpretation of a resident but it does not say he is detained.

The Hon. R. THOMPSON: What is the difference between "detention" and "detained"?

The Hon. I. G. Medcalf: One is a verb and the other is a noun, but they mean the same thing.

The Hon. R. THOMPSON: Exactly; that is why I do not think we should fool ourselves. We should know what the legislation means. We know these people are not free to leave, because if they leave they would have no money, which would be an impossible set of circumstances in their condition and state of mind; they would find it very difficult to have their pension cheques released.

The Hon. N. E. Baxter: They can leave in certain circumstances.

The Hon. R. THOMPSON: The Minister is starting to agree with me. I know the difficulties which are involved and I think this Bill will overcome many of them.

The Hon. N. E. BAXTER: Some difficulties are, of course, associated with residents in these hostels transferring from one hostel to another. In most cases they do not attempt it because they are persons who must be looked after to a great degree. However, if the patient or his relatives are not satisfied with a particular hostel, a transfer can be arranged quite easily; the patient can even be taken to a private home, with the approval of the director, and the pension can be assigned either to another hostel or to the patient's guardian in a private home.

Although there may appear to be a question of detention, the patients are not forcibly detained. The Bill defines "resident" as follows—

"resident", in relation to a private psychiatric hostel, means a socially dependent person who is residing at the hostel and is—

- (a) not dangerous to himself or other persons;
- (b) not physically infirm or requiring general nursing care; and
- (c) capable of managing himself with minimal supervision and not requiring reception or detention in an approved hospital;

To a great degree, the patient is free to come and go from the hospital. By the very fact that they are after-care mental patients and have a certain amount of mental and social disability, they feel dependent upon the hostel. However, they

are permitted to travel by bus to and from a sheltered workshop and on sight-seeing tours from time to time.

At all times during these trips, the patients are supervised by hostel staff. As I say, to a great degree, they are free, but the very fact that they are socially dependent people gives the appearance that they are being detained.

Clause put and passed.

Clauses 9 to 24 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

PENINSULA HOTEL, MAYLANDS (PRESERVATION) BILL

Second Reading: Defeated

Debate resumed from the 20th May.

THE HON. R. F. CLAUGHTON (North Metropolitan) [9.37 p.m.]: First of all I would like to thank the members who have spoken in support of the measure. Those who have not supported it, will, I hope continue to give consideration to what is contained in the Bill, and perhaps will reconsider the views they have expressed.

The Bill contains very few provisions. If it is felt that part of the Bill may not be in conformity with the constitution of this House that matter can be adjusted in the Committee stage, although no-one has raised this question, except the Minister in passing.

I hope the Minister for Education did not literally mean what he said by interjection while Mr Cooley was on his feet. He indicated the Bill would place pressure on him, and he did not want to assume the responsibility. I would have thought that the proposal which will appear in the heritage council Bill will indicate that the Minister is prepared to accept that sort of responsibility.

The Minister said further that the Bill was directed at the Swan Brewery, but that is not so. It extends an invitation to the Minister to become involved and to play a part in the discussions as to whether or not the Peninsula Hotel building should be retained. The Bill provides the means by which he can intervene in the interests of the community. Such intervention need not necessarily mean that the Government will be required to commit funds in the long term for the preservation of the building.

That is not the immediate problem before us. The immediate problem is to retain the building so that when funds become available it can be preserved and

retained in perpetuity. For that purpose it would not be necessary to commit sums of money immediately; and as long as the building remains standing there is an opportunity to do something about it later. However, once the building is demolished that is the end of the matter, and if that happened it would be a serious loss to the community.

I would remind members that there are only two classified buildings in the City of Stirling, which has a population in excess of 150 000. If this building is demolished the number of such buildings in the district will be reduced to one. It is not too much for the people who live in that locality to expect some assistance to retain this cultural and architectural heritage in that part of the city.

It might interest Mr Heitman to know that the building was constructed in 1906 or 1907 by Mr F. W. Liebe, who in association with Mr Klein built Her Majesty's Theatre. Later Mr Liebe went farming in the Wubin area and I would not be surprised if Mr Heitman knew him.

The Hon. J. Heitman: I knew him. Who owns the building now?

The Hon. R. F. CLAUGHTON: The Swan Brewery.

The Hon. J. Heitman: Has it any say on what happens to the building?

The Hon. R. F. CLAUGHTON: The brewery has almost the whole say. In the remarks I made in introducing the second reading of the Bill, I attempted to give the Swan Brewery credit for what it had done; that is, in agreeing to stay the demolition of the building for almost two years. More recently when demolition commenced it agreed to a further stay. We should recognise that the difficulty has been caused by the Swan Brewery. Whilst the brewery says it is prepared to allow the building to remain, the parties which are interested in its preservation are required to come forward with a sum of money, and the suggested amount is \$250 000. In other words, the brewery is holding a gun to the heads of those people and saying to them, "You deliver to us \$250 000 or more, otherwise the gun will go off and down will come the building."

The Hon. G. C. MacKinnon: Who has said that?

The Hon. R. F. CLAUGHTON: The Swan Brewery.

The Hon. G. C. MacKinnon: I thought it was the local authority.

The Hon. R. F. CLAUGHTON: Over this period no progress has been made because of that stipulation. The brewery has imposed that condition while it continues to retain ownership of the building. The local authority cannot make a gift of sums of that amount to a private organisation. That was what the Swan Brewery was asking of us: that we spend up to \$300 000

on renovations and maintenance of that building, while the building remained its property. Such a proposal is not realistic, and therefore it is not surprising that no progress has been made in the negotiations. As I understand the position, up till yesterday that condition was still imposed by the Swan Brewery.

If Mr MacKinnon is prepared to intervene in the discussions he may be able to bring some realism into them. This Bill will provide him with the legislative means by which our proposition could be implemented.

In respect of the earlier proposals, Mr MacKinnon mentioned the NEAT Scheme funds. There was available an offer of \$30 000 to \$50 000, but that proposition finally lapsed because it was conditional on the vesting of the property. Agreement could not be reached with the brewery to hand over the ownership of the property to some other party. The brewery might have had good reason for its action, but if it sincerely wants the building to be retained it should concede on that point.

I shall not dwell at length on the remarks that have been made. I could have taken certain comments made by Mr MacKinnon and placed a different interpretation on them, but it is not necessary for me to do that. I think it was unreasonable for the Minister to say that the preservation of this building represented a new primary school. We could have drawn the same analogy in respect of other forms of Government expenditure, such as the expenditure on roads. The expenditure of \$750 000 on Pearson Street would represent three new primary schools. However, that argument is not a relevant one to the matter before us.

The City of Stirling could have adopted the same attitude. Like the State Government, it has a great demand on its available funds. There is a lot of competition for the use of the money. In making their decisions the councillors have in mind what the expenditure on the preservation of the Peninsula Hotel building will mean in terms of what developments have to be set aside in their wards. However, that is not the way to assess whether this hotel building should be retained.

It has a National Trust classification. I would remind members what that means by quoting what I said when I introduced the second reading of the Bill. I said—

On page 3 of the Pidgeon report, can be found the National Trust's description of the buildings, as follows—

The hotel is a classified building, that is to say, it is among those parts of the physical environment, both natural and man made, which in the trust's view are essential to the heritage of Australia and must be preserved.

That is the degree of importance which people who are more knowledgeable on these matters than I or anyone else in this Chamber have placed on it. The report from which I quoted was prepared by a qualified architect, Mr Pidgeon. It is his view of which we should take note, and not necessarily mine.

There has been reference to Fremantle and what has happened there. Those people who are interested in Fremantle, or who know people who live there, would be aware of the preservation of a large number of buildings which has determined very much the character of that city. It is a very attractive place to the people who live there because they find it interesting to live among the older type of buildings, and the events which now occur there.

Maylands does not have the wealth of buildings of a cultural nature as does Fremantle. The older buildings are as important to Fremantle as the Peninsula Hotel is important to Maylands. As I said earlier, only two buildings have been classified in the Maylands area. Those buildings add to the texture and the landscape of the town of Maylands. If they are removed the character of the town will be changed. We have a duty, as representatives of the people in the community, to do all we can to ensure that the Peninsula Hotel building remains.

Mr Medcalf referred to a small cottage located fairly close to where I live. I was aware of what took place in the case of Butler's Cottage at the time. The cottage was pushed over in what can only be regarded as an underhand sort of way by the local council. The local council gave people who were interested the impression that a decision would be made at the next council meeting, but on the morning of the meeting a bulldozer knocked the building down and forestalled any further move by those interested in preserving it. Those people were prepared to stand in front of the bulldozer in order to preserve what they considered to be of great value. Many of those same people took that action when bulldozers were knocking down trees to make way for homes to be erected. When it became obvious the bulldozers were about to knock over some of the natural vegetation the local people stood in front of the bulldozers to protect the vegetation. Anyone who has reason to travel down that particular street today is appreciative of the natural growth which remains as a result of the action of those people.

I am sure Mr Medcalf would be acquainted with one of those who were involved at that time. He is Mr David Hutchinson, who is now the Curator of Natural History at the Museum. He is a man who is very conscious of the environment.

It has been said that no-one wanted to preserve Butler's Cottage but the point is that with Butler's Cottage—and the same point applies to the Peninsula Hotel—people were not made aware of its significance. It was taken for granted because it was there day after day. Only after these old buildings have been removed do people understand the loss which has occurred and the change which has taken place. Butler's Cottage was an unfortunate example. It would have provided a really worth-while means by which children of today and future generations could have been shown the way people had to live in that locality when it was first settled. They no longer have that opportunity.

We still have an opportunity to preserve some of the old settler's cottages around Herdsman's Lake and I hope someone will take up that particular issue.

We do have an opportunity in this instance to preserve the Peninsula Hotel. I do not believe we are asking too much, or being unreasonable in asking members in this Chamber to show, by their approval of this legislation, that they understand the position and that they are sensitive to the importance of this building in the townscape of Maylands, and they appreciate the value it has to the community there.

Mr Masters said he opposed the proposal because of the cost, and that it would be better to construct a new community centre. He said a new centre would cost in the region of \$300 000. If he looks at the estimate provided by Mr Pidgeon he will see that the costs involved with the preservation of the Peninsula Hotel would be approximately \$300 000. It would not cost that much to renovate it. All sorts of extras were involved in arriving at the figure of \$300 000, and the actual amount involved in the initial work of preservation would be very much less. The cost of making the building usable could be reduced considerably by means of self-help proposals which have been used in the case of many other old buildings by groups of people who have been interested in their preservation.

It would be necessary to have effective and long-term management, and that would be possible if the local authority decided in favour of the retention of the building. That matter is still under discussion. I do not think we should say the fate of the building has already been decided. Even at this stage, members of this Chamber could demonstrate that they are in favour of the preservation of the building by voting in favour of the Bill.

Obviously, we would not have time for the Bill to proceed through another place but a statement to the extent that members in this Chamber were in favour of

the retention of the building would indicate support to those who are doing their best to have it retained.

The building would not be used for community purpose similar to those with which Mr Masters is familiar in the Wanneroo Shire. It would be used for a different function. There are many groups in the community literally begging for accommodation and there is not enough space in existing buildings to satisfy all the needs of the community.

The Peninsula Hotel is located in an area which is poorly provided in respect of community facilities. The idea that the City of Stirling is likely to build a \$300 000 centre in that locality is very remote and I do not think it is likely to happen for a long time. I can recall that in 1970 we were promised a community hall in Wembley Downs. We were told that the building was likely to be constructed within a period of three years, but more than five years have gone by. I believe the same thing would happen in Maylands. A community hall is still a long way off. In any case, the use to which a community hall would be put would be quite different from that to be performed in the building now under consideration.

The fact that the original purpose of the building was quite different from what is now proposed has no relevance. Any number of buildings have been constructed for one purpose and then it has been necessary to put them to a different purpose. The Fremantle crafts centre is located in an old warehouse which has been successfully divided up and used by a number of different arts and crafts organisations.

I hope that members will decide in favour of the retention of the building. That would be in the long-term interests of the people of Maylands and would show those people that members in this place were sensitive to the importance of the building to the community, not only today but in the future.

Question put and a division taken with the following result—

Ayes—7

Hon. R. F. Cloughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dana	Hon. R. Thompson
Hon. S. J. Dellar	(Teller)

Noes—17

Hon. C. R. Abbey	Hon. G. E. Masters
Hon. N. E. Baxter	Hon. M. McAleer
Hon. G. W. Berry	Hon. N. McNeill
Hon. Clive Griffiths	Hon. I. G. Medcalf
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. J. Heltman	Hon. E. J. L. Williams
Hon. T. Knight	Hon. D. J. Wordsworth
Hon. A. A. Lewis	Hon. V. J. Ferry
Hon. G. C. MacKinnon	(Teller)

Question thus negatived.

Bill defeated.

ADJOURNMENT OF THE HOUSE

THE HON. N. McNEILL (Lower West—Minister for Justice) [10.00 p.m.]: I move—

That the House do now adjourn.

League Football Matches: Televising

THE HON. A. A. LEWIS (Lower Central) [10.01 p.m.]: I will not hold up the House for long.

The Hon. D. J. Wordsworth: I trust not.

The Hon. A. A. LEWIS: If Mr Wordsworth continues, it may be held up longer.

The PRESIDENT: I suggest that the Hon. Mr Lewis disregard the interjections.

The Hon. A. A. LEWIS: I will, Sir. In this evening's Press there appears an article about the number of signatures gained by the best football club in Perth on the matter of showing football on television for the populace of this State. At present the commercial television channels in this State, because of a spat over advertising some four or five years ago, refuse to come back into the field of showing Australian rules football on their networks.

We have now got to the stage where the national football competition is coming up, and there will be no replays of those matches on television; and those matches will be of great interest to the people of this State. I consider this is the best place to bring the matter forward in an effort to get the television channels and the WA National Football League back together again so that football followers of this State may have some viewing of national football competition matches, even though it may be delayed viewing. I am sure anyone interested in football would want to see how Western Australian clubs fare against clubs from other States. That is the first thing I ask: that the TV channels and the football league get together.

The whole thing seems to me to be a storm in a teacup. I think it was the matter of the advertising on the fringe of the ovals which started the fight; yet now even the ABC can show that advertising as the cameras swing around the field, so I am sure the commercial stations could do something for football followers.

While on this subject I would say that I deplore the attitude of the ABC as well; because when we have an interstate match at Subiaco, country television viewers cannot watch that match because the football league is frightened it might lose a few bob, or else it fears that near metropolitan people may be able to view it. I think this is very short-sighted because many people want to go to these matches, anyway; and the more people who watch it on television the more the game will be promoted.

I think the last time we had an interstate match here it was played on a Saturday and the club games were played on

the following Monday; and the ABC did not even let bush viewers see the club games on Monday. I believe this is an inconsistent attitude.

While I am on my feet talking on this matter I will put in a plug for several of the Ministers here in respect of the promotion of football. Junior football in this State does not come under the Community Recreation Council, except in respect of a little bit of coaching; nor is it funded by the Lotteries Commission. However, I believe that as it is our national game Governments should take an interest in it and take some notice of what is happening to our juniors. There must be something in the order of 25 000 to 28 000 juniors playing in the city every week, and I was told today that the cost of financing the footballs alone for the first two rounds of football fixtures in one area this year was something like \$850—and that is without the provision of umpires, jerseys, etc.

I hope the Minister for Recreation is able to talk the television stations into giving the people of Western Australia football coverage. I might add that we are the only State in Australia that will not have replays of National Football League matches. This is the old Cinderella bit, and it is caused also by a lack of initiative on the part of commercial television channels in Western Australia.

Question put and passed.

House adjourned at 10.05 p.m.

Legislative Assembly

Wednesday, the 26th May, 1976

The **SPEAKER** (Mr Hutchinson) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (84): ON NOTICE

1. TROPICANA LODGE, BROOME *Wages of Employees: Complaint*

Mr T. J. BURKE, to the Minister for Labour and Industry:

- (1) Is he aware of any complaint to his department regarding wages paid to employees of the Tropicana Lodge, Broome?
- (2) Would he please provide details?

Mr GRAYDEN replied:

- (1) and (2) No.

2. LAKE ARGYLE TOURIST LODGE

Letter from B. J. Flynn

Mr T. J. BURKE, to the Minister for Tourism:

- (1) Is he in receipt of correspondence under date 17th February, 1976, from B. J. Flynn of P.O. Box